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# ILLINOIS

## REGISTER RULES OF GOVERNMENTAL AGENCIES



Volume 24, Issue 28  
July 07, 2000

Pages 9,300 – 10,029

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# ILLINOIS REGISTER

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EDITOR'S NOTE: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indices are as follows:

- Issue 16 - April 14, 2000: Data Through March 31, 2000
- Issue 29 - July 14, 2000: Data Through June 30, 2000
- Issue 42 - October 13, 2000: Data Through September 30, 2000
- Issue 3 - January 19, 2001: Data Through December 31, 2000 (Annual)

DEPARTMENT OF EMPLOYMENT SECURITY  
NOTICE OF PROPOSED AMENDMENTS

Proposed Rulemaking: Interested persons may submit written comments to:

Gregory J. Ramel, Deputy Legal Counsel  
Illinois Department of Employment Security  
401 South State Street - 7th Floor, South  
Chicago, IL 60605  
312-793-4240

The Department requests the submission of written comments within 45 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses affected: This rulemaking affects all businesses to the same extent.
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2000

The full text of the Proposed Amendments appears on the following page.

DEPARTMENT OF EMPLOYMENT SECURITY  
NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: General Provisions

2) Code Citation: 56 Ill. Adm. Code 2960

3) Section Number: Proposed Action:  
2960.1102 Amended  
2960.1115 New Section  
2960.1120 New Section

4) Statutory Authority: 820 ILCS 405/1900.

5) A Complete Description of the Subjects and Issues Involved: Aside from some non-substantive stylistic changes, the attached rule revisions would add two new Sections and substitute references to the "employment service" for references to the "job service".

New Section 2960.115 would provide that the Department can generally furnish individuals with identifying information regarding employing establishments, and vice versa, over the Internet. The rule would clarify authority the Department arguably has already and recognizes that the users of Internet-based job matching systems may often prefer to deal directly with prospective employers or employees, without first having to contact the employment service. The Department would not disclose any identifying information that the subject of the information did not want disclosed.

New Section 2960.120 would provide that the Department can furnish information to its partners in Illinois' one-stop employment and training system. For the most part, the agency's partners already have access to the information under other provisions. The new language would just ensure all do. Joint access to information among the partners obviates the need for customers to repeatedly provide the same information to different service providers within the same system.

6) Will the proposed amendment replace an emergency amendment currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain an incorporation by reference pursuant to Section 6.02 of the Illinois Administrative Procedure Act? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objective: This rulemaking does not create or expand a state mandate.

11) Time, Place and Manner in which interested persons may comment on this

## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF PROPOSED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT  
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY  
SUBCHAPTER 1: EMPLOYMENT JOB SERVICE

PART 2960  
GENERAL PROVISIONS

SUBPART B: INFORMATION OBTAINED PURSUANT TO ADMINISTRATION  
OF THE STATE EMPLOYMENT SERVICE

Section 2960.100	Disclosure Of Information
2960.105	Disclosure Of Information For Use In Employment, Training and Educational Programs Administered By State and Local Governmental Social Welfare Agencies
2960.110	Disclosure Of Information For Use By Governmental Agencies Participating In Public Works And Related Programs
2960.115	Disclosure Of Identifying Information For Job Orders Posted On The Internet
2960.120	Disclosure Of Information To One-Stop Partners

## SUBPART C: VETERANS' EMPLOYMENT ACT PROGRAM

2960.210	Definitions
2960.220	Designation of Multi-Purpose Service Centers
2960.230	Target Groups
2960.240	Program Funding
2960.250	Responsibilities and Reporting Requirements
2960.260	Rural Outreach Initiative

AUTHORITY: Implementing and authorized by Sections 1700, 1701, 1705 and 1900 of the Unemployment Insurance Act (820 ILCS 405/1700, 1701, 1705 and 1900); implementing and authorized by the Veterans' Employment Act (330 ILCS 25).

SOURCE: Illinois Department of Labor, Bureau of Employment Security, Regulation 31, filed as amended June 23, 1977, effective July 3, 1977; rule repealed by operation of law October 1, 1984; new rule adopted at 9 Ill. Reg. 15878, effective October 8, 1985; amended at 12 Ill. Reg. 13596, effective August 5, 1988; amended at 13 Ill. Reg. 5940, effective April 18, 1989; amended at 18 Ill. Reg. 14935, effective September 27, 1994; amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART B: INFORMATION OBTAINED PURSUANT TO ADMINISTRATION  
OF THE STATE EMPLOYMENT SERVICE

## Section 2960.100 Disclosure Of Information

## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF PROPOSED AMENDMENTS

- a) General labor market information obtained pursuant to the administration of the Illinois Employment Job Service, including but not limited to information concerning employment opportunities, employment levels and trends, and labor supply and demand, may be published and released to applicants registered for work by the Employment Job Service, to employing establishments, and to the public; provided, that such publication or release does not include information identifiable to specific applicants or employing establishments.
- b) An applicant registered for work by the Employment Job Service, or an employing establishment, shall be supplied with information obtained pursuant to the administration of the Employment Job Service to the extent necessary for the proper and efficient performance of recruitment, placement, employment counseling and other functions of the Employment Job Service.
- c) A claimant for benefits, training allowance, or other payments under a State or Federal law relating to a system of unemployment insurance, vocational training or trade readjustment allowances, or his or her duly authorized representative, shall be supplied with information from the files and records of the Employment Job Service to the extent necessary for the proper presentation of his claim or the determination of his or her present or prospective rights to such payments.
- d) Information obtained pursuant to the administration of the Employment Job Service shall be made available to:
- 1) The United States Secretary of Labor, or other appropriate Federal agency administering the Social Security Act, the Area Redevelopment Act, the Job Training Partnership Act, the Trade Expansion Act, the Workforce Investment Act or any other Federal Act relating to the vocational training of unemployed or underemployed workers;
  - 2) The Railroad Retirement Board;
  - 3) The Internal Revenue Service of the United States Department of Treasury; and
  - 4) The Department of Revenue of the State of Illinois.
- e) Information obtained pursuant to the administration of the Employment Job Service shall be furnished, if permitted under Section 1900 of the Act [820 ILCS 405/1900] (441 Rev. Stat. 1993-CH-487-PAR--648), to any public officer or public agency of this or any other State or the Federal government dealing with the administration of a law in relation to:
- 1) Relief or public assistance;
  - 2) Unemployment insurance;
  - 3) A system of public employment offices;
  - 4) Fair employment practices;
  - 5) Wages and hours of employment;
  - 6) A program of public works;
  - 7) A pension or retirement system;



## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF PROPOSED AMENDMENTS

- 8) Vocational rehabilitation.
- f) Information received pursuant to the administration of the Employment Job Service shall be furnished to:
- 1) An official or officer of a public school, college or university, or a placement official of a private college or university, but only to the extent necessary for the efficient employment counseling, vocational guidance and placement, of an applicant registered for work by the Employment Job Service;
  - 2) A private social or welfare agency, but only if such information has a direct bearing upon the vocational adjustment or employability of an applicant registered for work by the Employment Job Service, and only to the extent necessary for the proper and efficient discharge of the placement and counseling functions of the Employment Job Service.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 2960.115 Disclosure Of Identifying Information For Job Orders Posted On The Internet**

- a) The Department shall provide an individual with identifying information regarding an employing establishment through an Internet-based labor exchange system, except where the employing establishment indicates it does not want the information disclosed, if the information is obtained in the administration of the Employment Service and:
- 1) the Department maintains the system, and the system indicates that the individual's qualifications match the requirements for filling a job opening with the employing establishment; or
  - 2) the system is maintained by an entity other than the Department, and the employing establishment has a job opening posted on the system.
- b) The Department shall provide an employing establishment with identifying information regarding an individual through an Internet-based labor exchange system, except where the individual indicates he or she does not want the information disclosed, if the information is obtained in the administration of the Employment Service and:
- 1) the Department maintains the system, and the system indicates that the individual's qualifications match the requirements for filling a job opening with the employing establishment; or
  - 2) the system is maintained by an entity other than the Department, and the individual is registered on the system.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF PROPOSED AMENDMENTS

**Section 2960.120 Disclosure Of Information To One-Stop Partners**

The Department shall provide a one-stop partner under Section 121 of the federal Workforce Investment Act of 1998 with information obtained in the administration of the Employment Service, to the extent the partner is providing services through a one-stop delivery system in Illinois or participating in the operation of such a system in Illinois.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS FARM DEVELOPMENT AUTHORITY

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Illinois Farm Development Authority

2) Code Citation: 8 Ill. Adm. Code 1400

3) Section Numbers: Proposed Action:  
1400.130 Amendment  
1400.140

4) Statutory Authority: 20 ILCS 3605/7

5) A Complete Description of the Subjects and Issues Involved: The changes are to reflect policy changes in the Beginning Farmer Bond Program.

6) Will these proposed amendments replace emergency amendment currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking will neither create nor expand a state mandate.

11) Time, place and Manner in which interested persons may comment on this proposed rulemaking: All interested persons are invited to submit their written comments on the proposed action at any time during the first notice period to:

Laura A. Lanterman  
Chief Financial Officer  
Illinois Farm Development Authority  
427 East Monroe Street, Suite 201  
Springfield, Illinois 62701  
217/782-5792

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: June 16, 2000

B) Types of small businesses affected: Farms.

C) Reporting, bookkeeping or other procedures required for compliance: No new measures required.

13) Regulatory Agenda on which this rulemaking was summarized: This

## ILLINOIS FARM DEVELOPMENT AUTHORITY

## NOTICE OF PROPOSED AMENDMENTS

rulemaking was not included on either of the 2 most recent agendas because: This agency does rules as they come up and does not do a regulatory agenda.

The full text of the Proposed Amendments begins on the next page.

## ILLINOIS FARM DEVELOPMENT AUTHORITY

## NOTICE OF PROPOSED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS  
CHAPTER VII: ILLINOIS FARM DEVELOPMENT AUTHORITY

## PART 1400

## ILLINOIS FARM DEVELOPMENT AUTHORITY

## Section

- 1400.10 Definitions  
1400.20 Composition, Appointment and Terms of Office  
1400.30 Officers  
1400.40 Executive Director  
1400.50 Meetings  
1400.60 Quorum  
1400.70 Reimbursement  
1400.80 Rules of Order  
1400.90 Records and Reports  
1400.100 Public Participation  
1400.110 Rulemaking Procedures  
1400.120 Purchasing Rules and Regulations  
1400.130 Rules and Guidelines Applicable to All Bond Programs  
1400.140 Bond Programs and Rules Applicable to Each  
1400.145 Rules and Guidelines Applicable to the Interest Buy Down  
1400.146 Rules and Guidelines Applicable to the Young Farmer Guarantee Program

- 1400.147 Rules and Guidelines Applicable to the State Guarantee Program for Restructuring Agricultural Debt  
1400.148 Rules and Guidelines Applicable to the Specialized Livestock Guarantee Program  
1400.149 Rules and Guidelines Applicable to the State Guarantee Program for Agri-Industries  
1400.150 Seal  
1400.160 Principal Office  
1400.170 Revision  
1400.180 Construction; Waiver; Severability

## ILLUSTRATION A OTAP Regions (Repealed)

AUTHORITY: Implementing and authorized by the Illinois Farm Development Act [20 ILCS 3605] and by the Farm Credit Allocation Act [20 ILCS 3610].

SOURCE: Emergency rules adopted at 6 Ill. Reg. 9340, effective July 15, 1982, for a maximum of 150 days; adopted at 7 Ill. Reg. 242, effective December 22, 1982; emergency amendment at 8 Ill. Reg. 363, effective December 27, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 8489, effective May 31, 1984; emergency amendment at 9 Ill. Reg. 8186, effective May 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 15493, effective October 1, 1985; emergency amendment at 9 Ill. Reg. 17879, effective October 31, 1985, for a maximum of 150 days; emergency expired March 21, 1986; emergency amendment at 10 Ill. Reg.

## ILLINOIS FARM DEVELOPMENT AUTHORITY

## NOTICE OF PROPOSED AMENDMENTS

2059, effective January 10, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 4599, effective February 28, 1986, for a maximum of 150 days; emergency expired July 28, 1986; amended at 10 Ill. Reg. 11001, effective June 9, 1986; amended at 11 Ill. Reg. 3862, effective February 27, 1987; amended at 11 Ill. Reg. 9894, effective May 12, 1987; amended at 12 Ill. Reg. 11219, effective June 20, 1988; amended at 13 Ill. Reg. 2440, effective February 10, 1989; amended at 13 Ill. Reg. 14376, effective August 30, 1989; amended at 17 Ill. Reg. 3618, effective March 5, 1993; amended at 17 Ill. Reg. 15808, effective September 10, 1993; amended at 19 Ill. Reg. 7582, effective May 26, 1995; amended at 22 Ill. Reg. 3467, effective January 30, 1998; amended at 23 Ill. Reg. 2866, effective February 26, 1999; emergency amendment at 23 Ill. Reg. 4464, effective April 6, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11703, effective September 3, 1999; amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 1400.130 Rules and Guidelines Applicable to All Bond Programs

a) General Description of Programs. The bond programs are intended to allow farmers to obtain lower interest rate loans for qualified purposes by obtaining loan funds from the proceeds of a tax-free bond issued by the Authority. The Authority shall establish, from time to time, particular bond programs to implement the policies and purposes of the Act. The Authority may modify or discontinue any such program, in a manner consistent with this Part ~~these~~ Rules, if it determines that the public interest would be served by so doing.

- b) Applicant Eligibility.
- 1) Unless otherwise provided in this Part, the eligible applicant must be a permanent resident of Illinois at the time the bond is issued ~~completed loan application is submitted to the lender.~~
  - 2) The land and improvements or depreciable farm property the applicant proposes to purchase will be located within Illinois.
  - 3) The applicant must be at least ~~eighteen~~ 18 years of age at the time of application.
  - 4) The applicant may be required to document to the satisfaction of the lender and the Authority, sufficient education, training or experience in the type of project for which the loan is sought.
  - 5) If the loan is sought for the acquisition of land, the applicant may be required to document, to the satisfaction of the lender, that he will have access to adequate working capital, farm equipment, machinery or livestock. If the loan is sought for acquisition of depreciable agricultural property, the applicant should document access to adequate working capital or agricultural land.
  - 6) The Authority may, from time to time, and through formal rulemaking procedures, establish rules requiring that a determination be made that the applicant is unable to secure financing from nongovernmental sources upon terms and conditions which the applicant reasonably could be expected to fulfill.



## ILLINOIS FARM DEVELOPMENT AUTHORITY

## NOTICE OF PROPOSED AMENDMENTS

- 7) The land and improvements which are financed by the loan made by the Authority must be used by the applicant. Any improvements or depreciable property which is to become a fixture or an integral part of real estate may be financed by the Authority only if the applicant owns or leases the real estate on which it is to be located.
- 8) The applicant must state the particular program for which he or she is applying and must satisfy all the eligibility requirements of that program.
- c) Qualified purposes.
- 1) Eligible loan activities under all programs consist of financing purchases of depreciable property or real estate, and powers granted in Section 7 of the Act.
  - 2) Ineligible loan activities under all programs consist of the following:
    - A) Refinancing an existing debt incurred by the applicant.
    - B) Financing working capital to purchase feed, seed, fertilizer, fuel, feeder cattle, pigs, lambs, etc.
    - C) Financing the acquisition by the applicant of off-land agricultural improvements or depreciable property from a related person whose deemed-to-be-related persons are those classified as related persons pursuant to Section 103(b) of the Internal Revenue Code (26 U.S.C. 103(b)) and include grandmothers, grandfathers, mothers, fathers, sisters, brothers, whether whole or half-blood, child, grandchild, spouse, or a corporation or partnership in which the applicant or his family members own more than 50% interest.
    - (B) Financing the previously commenced acquisition or construction of any part of the project for which the loan is sought if such commencement by the applicant or any related person occurred more than 60 days prior to the Authority's action on the application and sale of bond to finance the loan. This prohibition includes, but is not limited to, entering into a contract or purchase agreement, installment or otherwise, in connection with the construction of the project or any part thereof, or off-site fabrication or acquisition of any portion of the project. This prohibition does not apply, however, if such contract or purchase order, for example, states that the purchase is subject to the approval of the Authority, the risk of loss remains with the seller and the Authority's approval is obtained prior to the applicant taking possession of the property.
  - d) Participating lenders. Any bank, trust company, mortgage company, national banking association, savings and loan association, life insurance company, any state or federal governmental agency or instrumentality, or any other financial institution or entity authorized to make mortgage loans or secured loans in this state may

## ILLINOIS FARM DEVELOPMENT AUTHORITY

## NOTICE OF PROPOSED AMENDMENTS

- be a participating lender. A financial institution may become a participating lender at any time by signing an agreement with the Authority to become a participating lender.
- e) Application Procedures and Review.
- 1) The farmer may apply (on forms approved by the Authority) for an Authority loan with any participating lender. Any loan approved will be assigned to that participating lender. Authority loan eligibility is determined by the requirements for the Act and the Rules of the Authority. If a farmer meets the loan eligibility requirements, the decision on whether to enter into the loan agreement is between the farmer and the participating lender. They must agree on terms of the loan such as interest rates, length of loan, down payment, service fees, origination charges, and repayment schedule, which may not be any more onerous than that charged to similar customers for similar loans, but taking into account the tax-exempt nature of interest on the loan.
  - 2) Following completion of the loan application by the farmer and approval by the participating lender, the loan application must be submitted to the Authority for its review and approval. The Authority's review will include, but not be limited to, whether the loan applicant is an eligible farmer, the loan proceeds will be used for a qualified purpose under the Act and this Part rules of the Authority and the Internal Revenue Code and IRS regulations relating to industrial development revenue bonds, and the terms of the loan comply with this Part these rules.
  - 3) When a loan application is submitted to the Authority, the Executive Director shall review the loan application to determine whether it is complete, and whether the criteria established by the Act and this Part these rules have been satisfied.
    - A) If the Executive Director determines that the loan application is incomplete he shall, within five days after such determination, inform the applicant and the participating lender of such determination, and shall detail the information or material which is necessary to complete the application. For the purposes of subsection Section 140-939(g) of this Section these rules, no application or shall be deemed complete until the applicant or participating lender has provided additional information or material as requested by the Executive Director.
    - B) When the Executive Director has completed his review of the loan application, he shall present the loan application, with a statement of recommended action, to the Board at its next regularly scheduled meeting.
  - 4) The Board shall review each loan application presented by the Executive Director in accordance with the provisions of the Act and this Part these rules, and the Board shall:
    - A) approve the loan and issue the bond, pursuant to the Act and this Part these rules; or

## ILLINOIS FARM DEVELOPMENT AUTHORITY

## NOTICE OF PROPOSED AMENDMENTS

- B) deny the application and serve upon the applicant and participating lender a written statement of the grounds for the denial.
- 5) Within 21 twenty-one days after a denial, the applicant and the participating lender may file with the Authority a Request for Reconsideration, stating reasons why the Board should withdraw its denial of the application and approve the loan. The Request for Reconsideration may be accompanied by supporting documents and information not previously considered by the Board. The Board shall review the Request for Reconsideration within 45 forty-five days after it receiving it, and shall either approve the loan and issue the bond, or deny the Request for Reconsideration. A denial of a Request for Reconsideration shall be final. While a Request for Reconsideration is pending, the application that is the subject of the Request for Reconsideration shall be deemed complete for the purposes of subsection Section-1406-130(g) of this Section these-Rules.
- f) Source of Payment and Nature of Obligation. The principal and interest on the bond is a limited obligation payable solely out of the revenues derived from the loan to the farmer and the underlying collateral or other security furnished by or on behalf of the farmer. The participating lender shall have no other recourse against the Authority. The principal and interest on the bond does not constitute an indebtedness of the Authority or a charge against its general credit or general fund.
- 9) Priority of Applications. Applications shall be processed by the Authority on a first-come, first-served basis, based upon the receipt of all completed documents by the Authority. The Authority may deviate from the first-come, first-served rule to the extent necessary to comply with federal income tax laws and regulations, to fully utilize the proceeds of any series of bonds, or allocations of bond proceeds to participating lenders, or to meet emergency needs of farmers as determined from time to time by appropriate resolution of the Authority.
- h) Post Issuance Certification. No bond proceeds may be used for a nonqualified purpose or by a noneligible user. Following disbursement of the bond proceeds, the participating lender and farmer shall certify to the Authority that the proceeds were used by an eligible farmer for a qualified purpose.
- i) Assumption of Loans, Substitution of Collateral and Transfer of Authority. Loans may not be assumed without the prior approval of the Authority, and then only if the purchaser of the property is an eligible applicant for an Authority loan. Equipment and other depreciable property may be exchanged or traded in for similar property, and other property such as breeding livestock may be added or substituted as collateral at the discretion of the lender without the prior approval of the Authority. The benefits of the loan made at the tax-free rate from the proceeds of an Authority bond must remain

## ILLINOIS FARM DEVELOPMENT AUTHORITY

## NOTICE OF PROPOSED AMENDMENTS

- with the qualified farmer, and no person to whom property is traded or otherwise transferred may obtain the benefits of the Authority loan.
- j) Right to Audit. The Authority shall have at any time the right to audit the records of the participating lender and the farmer relating to this loan and bond and ensure that bond proceeds were used for a qualified purpose by a qualified user.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1400.140 Bond Programs and Rules Applicable to Each

- a) Beginning Farmer Program.

1) Purpose. This program is intended to facilitate the acquisition, construction or reconstruction of agricultural land and improvements and depreciable agricultural property by beginning farmers, as hereinafter defined. Eligible loan activities under this program consist of financing purchases of the following:

- A) Depreciable agricultural property.  
B) Agricultural improvements. Examples are: confinement systems for swine, cattle, or poultry, barns and other out buildings, silos, tilling and soil conservation practices such as terraces, farm ponds, erosion control structures, waterways, etc.

- C) Agricultural land.

- 2) Eligibility Requirements Particular to the Beginning Farmer Program.

- A) The eligible applicant must be a beginning farmer. "Beginning farmer" means an individual with a low or moderate net worth who engages in farming or wishes to engage in farming.  
B) Low or moderate net worth means an aggregate net worth of an individual and the individual's spouse and minor children, if any, of less than \$250,000 \$200-\$800.  
C) Net worth means total assets minus total liabilities as determined by the lender, in accordance with this Part rules of the Authority and accepted accounting procedures.  
D) Total net assets shall include, but not be limited to, the following: cash crops or feed on hand; livestock held for sale; breeding stock; marketable bonds and securities; securities (not readily marketable); accounts receivable; notes receivable; cash invested in growing crops; net cash value of life insurance; machinery and equipment; cars and trucks; farm and other real estate including life estates and personal residence; value of beneficial interests in a trust; government payments or grants; and all other assets. (Section 2(l) of the Act) Total assets shall not include items used for personal, family or household purposes by the

## ILLINOIS FARM DEVELOPMENT AUTHORITY

## NOTICE OF PROPOSED AMENDMENTS

applicant, but in no event shall such property be excluded to the extent that a deduction for depreciation is allowable for federal income tax purposes. All assets shall be valued at fair market value by the participating lender. Such value shall be what a willing buyer would pay a willing seller in the locality. A deduction of ten percent may be made from fair market value of farm and other real estate.

- E) Total ~~total~~ liabilities shall include, but not be limited to, the following: accounts payable; notes or other indebtedness owed to any source; taxes; rent; amounts owed on real estate contracts or real estate mortgages; judgments; accrued interest payable; and all other liabilities. (Section 2(m) of the Act)
- 3) Issuance of Bond. Following approval of the loan, the Authority shall issue a bond to be purchased by the participating lender, in the amount and fitting the terms of the loan to the farmer.
- 4) This program takes effect upon adoption pursuant to this Part.

## b) Agricultural Manufacturing Bond Program

- 1) Purpose. This program is designed to encourage the development and expansion of agribusiness manufacturing operations in Illinois. The intention of this program is to enhance economic growth in Illinois by creating and saving jobs in the rural areas of the State.

## 2) Eligibility Requirements Particular to the Agricultural Manufacturing Bond Program.

- A) The applicant must be an agribusiness as defined in the Act and in Section 1400.10 of this Part. The applicant must also be a "manufacturing facility" as defined in Section 144(a)(12)(C) of the Internal Revenue Code of 1986. This means any facility which is used in the manufacturing or production of tangible personal property (including the processing resulting in a change in the condition of such property).
- B) The applicant, including all affiliates and subsidiaries, must have no more than 100 employees at the time of application or have had gross income of no more than \$2 million for the calendar year preceding the date of application. "Gross income" for this purpose means the amount of gross income properly reportable for federal income tax purposes for the taxable year under the provisions of the Internal Revenue Code of 1986.
- C) The IRDA shall waive the requirements of subsection (b)(2)(B) for any Agricultural Manufacturing Facility which at the time of application does not operate a facility within the State of Illinois.
- 3) The amount of a loan authorized herein to any agricultural manufacturing facility shall be limited by Section 144(a)(4)(A) of the Internal Revenue Code of 1986 with respect to the issuance

## ILLINOIS FARM DEVELOPMENT AUTHORITY

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of small issue industrial development bonds. In no event shall any loan to any one agricultural manufacturing facility exceed \$10 million.

- 4) Issuance of Bond. Following approval of the loan, the Authority shall issue a bond, in the amount of and fitting the terms of the loan, to be purchased by the participating lender.
- 5) This program takes effect upon adoption pursuant to this Part.
- 6) The applicant must pay a \$100 fee at the time of application.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



DEPARTMENT OF HUMAN SERVICES  
NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Child Care
- 2) Code Citation: 69 Ill. Adm. Code 50
- 3) Section Numbers: Proposed Action:  
50.230 Amendment
- 4) Statutory Authority: Implementing Articles I through IX and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IX and 12-13] and ACF 98.20.
- 5) A Complete Description of the Subjects and Issues Involved: Pursuant to provisions of ACF 98.20, these proposed amendments reduce the maximum age of a child receiving child care services from 19 years of age to 18 years of age.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect?  
No

- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
50.410	New Section	24 Ill. Reg. 6477
50.420	New Section	24 Ill. Reg. 6477

- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days of the date of this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor Harris Bldg.  
Springfield, Illinois 62762  
Telephone Number: (217) 785-9772

- 12) Initial Regulatory Flexibility Analysis:

DEPARTMENT OF HUMAN SERVICES  
NOTICE OF PROPOSED AMENDMENT

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance:  
None
- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: it was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF HUMAN SERVICES  
NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 50  
CHILD CARE

SUBPART A: GENERAL PROVISIONS

Section	
50.101	Incorporation by Reference
50.110	Participant Rights and Responsibilities
50.120	Notification of Available Services
50.130	Child Care Overpayments and Recoveries

SUBPART B: APPLICABILITY

Section	
50.210	Child Care
50.220	Method of Providing Child Care
50.230	Child Care Eligibility
50.235	Income Eligibility Criteria
50.240	Qualified Provider
50.250	Additional Service to Secure or Maintain Child Care

SUBPART C: PAYMENT FEES

Section	
50.310	Fees for Child Care Services
50.320	Maximum Annual Income and Parent Fee by Family Size, Income Level and Number of Children Receiving Care

AUTHORITY: Implementing Articles I through IX and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IX and 12-13].

SOURCE: Emergency rules adopted at 21 Ill. Reg. 9502, effective July 1, 1997, for a maximum of 150 days; adopted at 21 Ill. Reg. 14961, effective November 10, 1997; emergency amendment at 22 Ill. Reg. 12816, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 21037, effective November 27, 1998; emergency amendment at 23 Ill. Reg. 10875, effective August 20, 1999, for a maximum of 150 days; amended at 24 Ill. Reg. 1058, effective January 10, 2000; emergency amendment at 24 Ill. Reg. 6604, effective April 5, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART B: APPLICABILITY

Section 50.230 Child Care Eligibility

DEPARTMENT OF HUMAN SERVICES  
NOTICE OF PROPOSED AMENDMENT

- a) Child care services are restricted to children under age 13 and to children under age 19 who are under court supervision or have physical or mental incapacities as documented by a statement from a local health provider or other health professional.
- b) Parents and other relatives eligible to receive child care services include:

1) Recipients of Temporary Assistance for Needy Families (TANF) under Article IV of the Public Aid Code participating in work and training activities as specified in their personal plans for employment and self-sufficiency who have been approved for child care benefits by the Department and who meet the annual income ceilings in subsection (b)(2) of this Section.

2) Working families, including teen parents while they attend school to obtain a high school degree or its equivalent, whose annual incomes do not exceed the following amounts by family size:

Family Size	Annual Income
2	\$17,663
3	\$21,819
4	\$25,975
5	\$30,131
6	\$34,288
7	\$35,067
8	\$35,846

3) Subject to an annual allocation of \$7.5 million, families who do not receive TANF and need child care services in order to attend school or training (up to and including the acquisition of a Bachelor's Degree) and whose annual income does not exceed the annual income ceilings in subsection (b)(2) of this Section. Qualifying families are eligible to receive child care services needed to attend literacy and other adult basic education, English as a Second Language, GED preparation, and vocational training for up to 24 non-consecutive months with no work requirement, after which they must work a monthly average of at least 20 hours per week in paid employment. Child care provided to a teen parent to obtain a high school degree, or its equivalent, does not count against this 24-month limit. Qualifying families are eligible to receive child care services to attend a 2 or 4 year college degree program if they work a monthly average of at least 10 hours per week in paid employment or a monthly average of at least 20 hours per week in a combination of paid employment and unpaid, educationally-required work activities such as student teaching, an internship, a clinical, a practicum or an apprenticeship. Child care services shall be available during time periods that are reasonably related to the paid work, self-employment and education or

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

training activity, including class hours and research, laboratory, library and transportation time. Families with a work requirement shall receive the same grace periods between jobs as persons who receive services pursuant to subsection (b)(2) of this Section. If a parent is claimed as a dependent by another person for federal income tax purposes, that parent is only eligible if his or her income when added to the income of the other person does not exceed the annual income ceiling in subsection (b)(2) of this Section for that family size. Enrollment for child care under this subsection (b)(3) will be stopped when the projected annual costs for enrolled participants reaches \$7.5 million.

- c) All families must be residents of Illinois.
- d) Payment for child care services to eligible parents may begin on the first day of the month or before the month in which the application is received by the Department or its agents.
- e) Eligibility ceases 10 calendar days from the date of the termination notice sent to the parent by the Department or its agents following a determination of ineligibility.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Determination of Need (DON) and the Resulting Service Cost Maximums (SCMs)

- 2) Code Citation: 89 Ill. Adm. Code 679

- 3) Section Numbers: 679-20  
Proposed Action: Amended

- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act (20 ILCS 2405/3).

- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking changes the times when the Mini-Mental Status Examination is administered. The amendment clarifies which customers will and will not be subject to the examination.

- 6) Will this proposed amendment replace an emergency amendment currently in effect? Yes

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed amendment contain incorporations by reference? No

- 9) Are there any other amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor Harris Bldg.  
Springfield IL 62762  
(217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

- 12) Initial Regulatory Flexibility Analysis:

- a) Types of small businesses, small municipalities and not for profit corporations affected: Those that provide services to Home Services

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## NOTICE OF PROPOSED AMENDMENTS

customers.

- B) Reporting, bookkeeping or other procedures required for compliance:  
None

- C) Types of professional skills necessary form compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: This rulemaking was not anticipated at the time the July 1999 Regulatory Agenda was being developed.

The full text of the Proposed Amendments is identical to the emergency amendment on page 9968 of this issue of the *Illinois Register*.

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## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Related Program Provisions

- 2) Code Citation: 89 Ill. Adm. Code 117

- 3) Section Numbers: Proposed Action:  
117.10 Amendment  
117.11 Amendment  
117.60 Amendment

- 4) Statutory Authority: Implementing Articles III, IV and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV and VI, and 12-13].

- 5) A Complete Description of the Subjects and Issues involved: These proposed amendments make changes concerning the delivery of benefits. This rulemaking deletes references limiting access to Electronic Benefits Transfer (EBT) because EBT is now statewide. TO reflect current terminology, this rulemaking also changes references from AFDC to TANF.

- 6) Will this proposed rulemaking replace an emergency rulemaking currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed amendments contain incorporations by reference? No

- 9) Are there any other amendments pending on this Part? Yes

- Section Numbers Proposed Action Illinois Register Citation  
117.55 Amendment 24 Ill. Reg. 6633

- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor Harris Bldg.  
Springfield, Illinois 62762  
Telephone number: (217) 785-9772



DEPARTMENT OF HUMAN SERVICES  
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- 12) Initial Regulatory Flexibility Analysis:  
A) Types of small businesses, small municipalities and not for profit corporations affected: None  
B) Reporting, bookkeeping or other procedures required for compliance: None  
C) Types of professional skills necessary for compliance: None

13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included in either of the two most recent regulatory agendas because: it was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of Proposed Amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES  
NOTICE OF PROPOSED AMENDMENTS

TITLE 89. SOCIAL SERVICES  
CHAPTER IV. DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER VII. DISTRICT, COUNTY, TOWNSHIP AND SPECIAL ACT  
MUTUAL COMPANIES  
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 117  
RELATED PROGRAM PROVISIONS

Section

- 117.1 Incorporation By Reference  
117.10 Payee for Financial Assistance  
117.11 Issuance of Cash Assistance Benefits  
117.12 Client Training for the Electronic Benefits Transfer (EBT) System  
117.13 Replacement of the EBT Card  
117.15 Reinstatement Upon Agreement to Cooperate  
117.20 Replacement of Missing Warrants  
117.30 Withholding of Rent (Repealed)  
117.40 Recovery of Interim Assistance - Aid to the Aged, Blind or Disabled and General Assistance  
117.50 Funerals and Burials  
117.51 Funeral Home Services  
117.52 Burial Expenses  
117.53 Payment to Vendor(s)  
117.54 Claims for Reimbursement  
117.55 Submittal of Claims  
117.60 Substitute Parental Care/Supplemental Child Care - TANF APBG, AABD and GA Family Cases  
117.70 Charge for Replacement of Photo ID Cards (Repealed)  
117.80 Direct Deposit of Recipients' Warrants  
117.90 State Income Tax Match  
117.91 New Hire Match

AUTHORITY: Implementing Articles III, IV and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV and VI, and 12-13].

SOURCE: Filed and effective December 30, 1977; amended at 2 Ill. Reg. 31, p. 68, effective August 3, 1978; amended at 3 Ill. Reg. 38, p. 258, effective September 20, 1979; amended at 3 Ill. Reg. 41, p. 167, effective October 1, 1979; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 16111, effective November 22, 1983; amended at 9 Ill. Reg. 3726, effective March 13, 1985; amended at 9 Ill. Reg. 4526, effective March 20, 1985; amended at 9 Ill. Reg. 8733, effective May 29, 1985; amended at 9 Ill. Reg. 10779, effective July 5, 1985; amended at 9 Ill. Reg. 16914, effective October 16, 1985; amended at 11 Ill. Reg. 4759, effective March 13, 1987; amended at 12 Ill. Reg. 2985, effective January 13, 1988; amended at 12 Ill. Reg. 13608, effective August 15, 1988; amended at 12 Ill. Reg. 14296, effective August 30, 1988; amended at 13

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Ill. Reg. 3936, effective March 10, 1989; amended at 14 Ill. Reg. 780, effective January 1, 1990; amended at 14 Ill. Reg. 9488, effective June 1, 1990; amended at 15 Ill. Reg. 13533, effective August 1, 1991; amended at 16 Ill. Reg. 16644, effective October 23, 1992; emergency amendment at 17 Ill. Reg. 2368, effective February 8, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 8191, effective May 24, 1993; amended at 18 Ill. Reg. 3746, effective February 28, 1994; amended at 18 Ill. Reg. 7403, effective April 29, 1994; amended at 19 Ill. Reg. 1103, effective January 26, 1995; amended at 19 Ill. Reg. 10702, effective July 7, 1995; emergency amendment at 19 Ill. Reg. 15267, effective November 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 877, effective January 1, 1996; amended at 20 Ill. Reg. 5706, effective March 30, 1996; emergency amendment at 20 Ill. Reg. 10381, effective July 23, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 395, effective December 20, 1996; amended at 21 Ill. Reg. 7759, effective June 4, 1997; emergency amendment at 21 Ill. Reg. 8677, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15591, effective November 26, 1997; amended at 22 Ill. Reg. 16251, effective September 1, 1998; amended at 22 Ill. Reg. 18951, effective October 1, 1998; amended at 23 Ill. Reg. 5263, effective April 19, 1999; amended at 23 Ill. Reg. 11174, effective August 27, 1999; amended at 23 Ill. Reg. 12638, effective October 15, 1999; amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 117.10 Payee For Financial Assistance

- a) The assistance grant shall be paid to an individual designated as the payee on the warrant or the individual authorized to use the Electronic Benefits Transfer (EBT) card or, for direct deposit accounts, the person in whose name the bank account is established.
- b) The individual receiving assistance shall be designated as the payee with the following exceptions:
  - 1) When a client has a judicially-appointed conservator or guardian, payment shall be made to the conservator or guardian unless other arrangements are made with the Department by the conservator or guardian.
  - 2) In a situation where no specified relative is available to act as payee, another person may act as Temporary Grantee for a period not to exceed 90 days.
  - 3) When a minor parent and his or her dependent child are required to live with the minor parent's parent, legal guardian, or other adult relative, or in an adult-supervised supportive living arrangement, then, where possible, the TANF cash benefit amount APPE-grant will be paid to the adult who is responsible for supervising the minor parent. Otherwise, the minor parent will receive the TANF cash benefit amount APPE-grant.
  - 4) For AABD clients under the age of 18, the client will not be the payee unless the client lives independently, is capable of managing his or her own affairs, does not have a guardian, and is

## DEPARTMENT OF HUMAN SERVICES

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- approved for direct payment by the local office administrator. In all other situations, a representative payee must be assigned.
- 5) For AABD clients age 18 and over, unless the client has a legally-appointed guardian or the client is determined to be physically or mentally unable to manage the grant, the client will be the payee or the client may choose to have a representative payee if the client has a legally-appointed guardian, the legally-appointed guardian will be assigned as the payee. If the client is physically or mentally unable to manage the grant, a representative payee must be assigned.
  - 6) A Protective Payment Plan (PPP) is initiated by the Department when a client has demonstrated mismanagement of funds to the detriment of the welfare of the client or family. Examples include but are not limited to:
    - A) A client defaults on an agreement made with a utility company and the Department in the client's behalf. In this instance, when the protective payee receives the assistance payment, payment on current and back utility charges only shall be paid by the payee; the balance of the payment shall be forwarded to the client each month.
    - B) For TANF APPE only - When a child in the assistance unit is determined to be neglected by the Department of Children and Family Services under Section 3 of the Abused and Neglected Child Reporting Act (325 ILCS 5/3) and 89 Ill. Adm. Code 300-Appendix B.
      - C) For TANF APPE only - The case involves a record establishing that a parent or relative has been found guilty of public assistance fraud under Article VIIIA of the Illinois Public Aid Code (305 ILCS 5/Art. VIIIA).
      - D) Nonpayment of rent for two months shall be considered as evidence of grant mismanagement.
      - E) Substance abuse by the caretaker relative is identified and another family member or friend is ensuring that the family's needs are being met.
      - F) For TANF APPE only - the health and well-being of a child in the assistance unit is at risk, as indicated by lack of regular school attendance, as defined by the school.
      - G) Repeated loss of both the EBT card and Personal Identification Number (PIN) is a basis for a determination of client mismanagement and authorization of a Protective Payment Plan (PPP).
  - c) Notice shall be sent to the client before a protective payment plan is initiated. The notice shall inform the client of the right to appeal inclusion in a protective payment plan. (See 89 Ill. Adm. Code 104.)
  - d) The protective payee shall not receive compensation for the protective payee duties and must agree to assume responsibility for the expenditure of the assistance payment in behalf of the client.
  - e) The client's landlord or a vendor of goods or services to the client,

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

with the exception of private welfare and social service agencies, shall not be designated as protective payee.

f) The Department may designate private welfare or social service agencies to serve as protective payees.

g) When no other suitable payee is available, the Department may appoint a member of its staff to act as protective payee. However, the staff acting as protective payee may not be:

- 1) a person determining the client's eligibility or level of assistance;
  - 2) a person handling fiscal processing relating to the recipient;
  - 3) investigative staff; or
  - 4) a local office administrator.
- h) The need for continuation of a protective payment plan and the performance of the protective payee shall be reviewed and evaluated by the Department as often as circumstances indicate, or, for APDC cases, at least every 12 months.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 117.11 Issuance of Cash Assistance Benefits

- a) Cash in--areas where the Electronic Benefits Transfer (EBT) system is operative--cash assistance benefits shall be issued to the payee via an electronic benefits payment file established by the Department through Electronic Benefits Transfer (EBT). The payee may access the cash benefits at any participating Point-of-Sale (POS) terminal or Automated Teller Machine (ATM). Clients may elect to use a direct deposit account in an EBT area to receive cash assistance benefits but may not elect any other delivery option.
- b) In--areas where the Department has a contract--or contracts with specific Direct-Delivery Agents (DDAs)--and the EBT system is not operative--the cash assistance benefits will be delivered to the BDA for distribution to the client--if more than one BDA is available--the client may select the BDA of his or her choice--clients may be exempted from participation in direct delivery for--specific circumstances--(for example, client is in an educational or training program or employed and hours of attendance or employment prevent the client from picking up the warrant during normal business hours; client is permanently homebound and no proxy is available; or client is an exempt status.)
- be) If the client has a checking or savings account, the client may elect to have cash assistance benefits delivered via direct deposit to the financial institution where the client account resides.
- ce) In circumstances where none of the above delivery options are available, a warrant for the cash assistance benefits will be delivered to the client's residence or other secure address, as selected by the client.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 117.60 Substitute Parental Care/Supplemental Child Care -- TANF APDC, AABD and GA Family Cases

- a) Substitute Parental Care/Supplemental Child Care
  - 1) Subject to prior approval, payment shall be authorized by the Department for Substitute Parental/Supplemental Child Care when there is a need for child care because of the absence from the home or incapacity of the child's caretaker. Prior approval consist of verification of the need based on a statement from the client's physician or law enforcement officials. When prior approval cannot be obtained due to emergency hospitalization or the incarceration of the caretaker payment shall be authorized if the request is received within ten (10) calendar days of the caretaker's release from the hospital or incarceration.
  - 2) Payment shall not be made to:
    - A) Individuals living in the home with the caretaker and child, or
    - B) A responsible relative (as defined in 89 Ill. Adm. Code 103.10(b)(2)) of the caretaker or child.

- b) Substitute Parental Care

1) Substitute parental care is care and supervision provided to children by an individual when the caretaker is required to be absent from the home for a period of 24 hours or more. Reasons for substitute parental care shall include but are not limited to hospitalization or incarceration. The substitute parent is not a day care provider.

2) The Department shall authorize payment up to \$25 per day. When substitute parental care is provided at no costs, day care is paid only during the hours of the substitute parent's absence for reasons of employment, education or training. Day Care payment rates as established by the Department of Children and Family Services are applicable for Public Aid purposes. This type of care shall be provided for no more than 30 days. However, if the client documents (i.e. through a doctor's statement or social service agency statement that care was needed for a longer period of time) payment shall be authorized.

- c) Supplemental Child Care

- 1) Supplemental child care is care needed for less than 24 hours when the child's caretaker is in the home but incapacitated.
- 2) Supplemental child care is provided when a physician, psychiatrist or psychologist verifies that, due to illness or incapacity, the child's caretaker is unable to provide care and supervision of the child.
- 3) Maximum Payment Amounts and Types of Tasks provided to the Child and/or the Caretaker

## DEPARTMENT OF HUMAN SERVICES

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Payment is limited to the following tasks and will be allowed up to \$3.35 per hour:

- A) Meal Preparation - Maximum 1 hour per meal  
Grocery shopping; preparation of meals; service of meals (to include incapacitated caretaker and infant); and dishwashing and cleanup.
- B) Personal Care - Maximum 7 hours per week  
Assistance with bathing and shampooing hair; assistance with dental care; assistance with care and diapering of infants; and assistance with dressing.
- C) Laundry - Maximum 3 hours per week  
Washing clothing and linens; and folding and storing clothes and linens.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Purse Recapiture

- 2) Code Citation: 11 Ill. Adm. Code 213

- 3) Section Numbers: Proposed Action:

213.10	New Section
213.20	New Section
213.30	New Section
213.40	New Section
213.50	New Section
213.60	New Section
213.70	New Section

- 4) Statutory Authority: 230 ILCS 5/9(b)

- 5) A Complete Description of the Subjects and Issues Involved: The Illinois Horse Racing Act of 1975 was amended on May 30, 1995 to permit the unlimited simulcasting (televising) of full race programs from out-of-state racetracks. Prior to this legislative change, only races of national and international importance were permitted to be simulcast in Illinois. The new law, Section 26(9)(13), permitted Illinois racetracks to recover a portion of purse revenues if out-of-state handle (monies wagered) caused a decline of more than 25% in Illinois handle compared to calendar year 1994. In addition, certification by the Illinois Racing Board shall be provided no later than January 31 of the succeeding year.

In May of 1999, additional changes were made to the Horse Racing Act with the passage of Senate Bill 1017. The new law requires the Illinois General Assembly to annually appropriate funds from the General Revenue Fund to the Illinois Department of Agriculture for payment into the thoroughbred and standardbred purse accounts at Illinois racetracks. The amount paid to each purse account shall be the amount certified by the Board in January.

This rulemaking will assist the Bureau of the Budget in the appropriation process by establishing pre-certification of the purse recapture amounts no earlier than December 1 of the comparative handle year.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect?  
No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this rulemaking contain incorporations by reference? No

- 9) Are there any other proposed rulemakings pending on this Part? No

- 10) Statement of Statewide Policy Objectives: No local governmental units



ILLINOIS RACING BOARD  
NOTICE OF PROPOSED RULES

will be required to increase expenditures.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days of this notice, to:

Mickey Ezso  
Illinois Racing Board, Legal Department  
100 West Randolph, Ste. 11-100  
Chicago, Illinois 60601  
(312) 814-5017

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This rulemaking is a result of an amendment to the Illinois Horse Racing Act and was not summarized in a regulatory agenda.

The full text of the Proposed Rules begins on the next page:

ILLINOIS RACING BOARD  
NOTICE OF PROPOSED RULES

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY  
SUBTITLE B: HORSE RACING  
CHAPTER 1: ILLINOIS RACING BOARD  
SUBCHAPTER a: GENERAL RULES

PART 213  
PURSE RECAPTURE

Section	General
213.10	Definitions
213.20	Estimated Purse Recapture Certification
213.30	Purse Recapture Certification
213.40	Notice of Purse Recapture Certification
213.50	Department of Agriculture Grant Agreements
2 3.60	Distribution of the Purse Recapture Reimbursement
2 3.70	

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_,

## Section 213.10 General

Pursuant to Section 26(g)(13) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/26(g)(13)], qualified licensed Illinois wagering facilities are permitted to deduct an amount equal to 2% of the difference between the licensee's 1994 handle on Illinois races and its handle on Illinois races in the year in question, from amounts allocated or payable to purses in the succeeding year, at the racetrack from which the wagering facility is affiliated. Recapture amounts shall not be taken until after certification by the Board.

## Section 213.20 Definitions

"Purse Recapture" - the amounts certified and authorized by the Board to be deducted by each qualified wagering facility from amounts payable to purses at the licensee's affiliated racetrack.

"Purse Recapture Reimbursement" - the amount appropriated by the Illinois General Assembly from the General Revenue Fund to the Department of Agriculture for payment or credit to the racetrack purse accounts, in accordance with the Board's certification of the purse recapture.

"Purse Recapture Certification" - the Board's written notification of

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED RULES

the amounts of purse recapture in which qualified wagering facilities are entitled to deduct from amounts payable to purses. The certification shall be issued or published no later than January 31 of the year succeeding the comparative handle calendar year.

**Section 213.30 Estimated Purse Recapture Certification**

The Board shall calculate and prepare a written estimate or projection of the purse recapture amounts anticipated in the succeeding year no earlier than December 1 of the comparative handle calendar year. The Board shall provide the Bureau of the Budget, the four legislative leaders, and the Department of Agriculture with the written estimate no later than December 15 of the comparative handle calendar year.

**Section 213.40 Purse Recapture Certification**

The Board shall determine and certify in writing the amounts of purse recapture authorized to be deducted from purses no later than January 31 of the year succeeding the comparative handle calendar year.

**Section 213.50 Notice of Purse Recapture Certification**

The Board shall notify and provide the purse recapture certification to the Bureau of the Budget, four legislative leaders, Department of Agriculture, organization licensees (including those organization licensees from which wagering facilities derive their license), the thoroughbred and standardized organizations representing the largest number of horse owners and trainers that has negotiated a contract with an organization licensee, and all Illinois thoroughbred and standardized breeders organizations. The purse recapture certification shall be provided to the interested parties no later than January 31 of the year succeeding the comparative handle calendar year.

**Section 213.60 Department of Agriculture Grant Agreements**

The Department of Agriculture shall administer the purse recapture reimbursement and distribute those funds by an executed grant agreement between the Department of Agriculture and the organization licensees acting as custodian of purse funds payable at each eligible racetrack. The Department of Agriculture may condition the grants with reporting requirements and/or other reasonable standards.

**Section 213.70 Distribution of the Purse Recapture Reimbursement**

- a) The amounts to be reimbursed to the purse accounts at eligible racetracks shall be those authorized pursuant to the Board's purse recapture certification.
- b) The aggregate purse recapture reimbursement shall not exceed the Illinois General Assembly's fiscal year appropriation to the

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED RULES

- c) Department of Agriculture intended for this purpose. In the event that the Illinois General Assembly's fiscal year appropriation to the Department of Agriculture for purse recapture reimbursement is less than the aggregate amount of the Board's certification, the purse recapture reimbursement to each eligible racetrack's purse account shall be allocated in proportion to its share of the total purse recapture.

ILLINOIS RACING BOARD  
NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Racetrack Improvements
- 2) Code Citation: 11 Ill. Adm. Code 452
- 3) Section Numbers:

452.10	<u>Proposed Action:</u>
452.20	New Section
452.30	New Section
452.40	New Section
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: Pursuant to Section 26.1 of the Act, this rulemaking establishes a report, to be filed by Illinois racetracks with the Illinois Racing Board, to be used by the Board to monitor that portion of the breakage designated for racetrack improvements.
- 6) Will this rulemaking replace any emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days of this notice, to:  
  
Mickey Ezzo  
Illinois Racing Board, Legal Department  
100 West Randolph, Ste. 11-100  
Chicago, Illinois 60601  
(312) 814-5017

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

ILLINOIS RACING BOARD  
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- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This rulemaking is a result of an amendment to the Illinois Horse Racing Act.

The full text of the Proposed Rules begins on the next page:

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED RULES

## TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

## SUBTITLE B: HORSE RACING

## CHAPTER I: ILLINOIS RACING BOARD

## SUBCHAPTER b: RULES APPLICABLE TO ORGANIZATION LICENSEES

## PART 452

## RACETRACK IMPROVEMENTS

## Section

## 452.10 Purpose

## 452.20 Definitions

## 452.30 Verification of Expenditures

## 452.40 Deadline for Filing

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 452.10 Purpose

This Part is designed to allow the Board to perform the statutory requirements as established in Section 26.1 of the Act [230 ILCS 5/26.1]. The Act requires the Board to verify an amount equal to at least 50% of the breakage retained by each licensee and is used by the licensee for racetrack improvements at the racetrack from which the wagering facility derives its license. Recapture amounts shall not be taken until after certification by the Board.

## Section 452.20 Definitions

"Racetrack Improvements" - erection, improving or acquisition of seating stands, buildings or other structures, ground or track, for the necessary purchase or required restoration of depreciable property and equipment used in the operation of a racetrack. Ordinary repairs and maintenance shall not be considered racetrack improvements.

## Section 452.30 Verification of Expenditures

Each organization licensee shall submit to the Board a report containing the following information:

- a) the amount of breakage earned in the previous year by organization licensee, intertrack wagering licensee, and intertrack wagering location licensee;
- b) a detailed description of improvements made; and
- c) evidence of payment as verified by canceled checks and/or invoices.

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED RULES

## Section 452.40 Deadline for Filing

As detailed in Section 452.30, each organization licensee shall submit to the Board a report no later than January 31 of the succeeding year.



## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Licensing Standards for Child Welfare Agencies2) Code of Citation: 89 Ill. Adm. Code 4013) Section Numbers: Proposed Action:

401.230 Amended

APPENDIX C Amended

4) Statutory Authority: 225 ILCS 105) Effective Date of Amendments: July 7, 20006) Does this rulemaking contain an automatic repeal date? No7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: January 14, 2000; 24 Ill. Reg. 39910) Has JCRC issued a Statement of Objection to these amendments? No11) Differences between proposal and final version: There are no differences between the proposal and the final version.12) Have all the changes agreed upon by the agency and JCRC been made as indicated in the agreements issued by JCRC? Yes13) Will this amendment replace an emergency amendment currently in effect?  
No14) Are there any amendments pending on this Part? No15) Summary and Purpose of Amendments: Section 401.230(g) is amended to require that agencies submit a management statement regarding the agency's financial condition and operations as opposed to a financial analysis completed by a certified public auditor.

Appendix C is amended to require the chief fiscal officer and an authorized representative of the governing body prepare responses to representations regarding the operations of the child welfare agency.

The former rule required that the questions in Appendix C be addressed by the certified public auditor as a part of the child welfare agency's annual audit. The Department is changing this requirement for the

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## following reasons:

1. The American Institute of Certified Public Accountants Professional Standards preclude an auditor from attesting to auditee representations regarding adequacy of accounting systems and reporting on matters relating to solvency; and

2. Auditors would be required to expand the scope of their procedures and testing to be able to attest to auditee agency management representations on the other questions. This increases the scope of the audit and the cost of the audit to the agencies.

These amendments allow the Department to secure preliminary indicators of the basic financial management capacity and fiscal health of licensed child welfare agencies without necessitating additional audit costs.

16) Information and questions regarding these adopted amendments shall be directed to:

Mr. Jeff E. Osowski  
Office of Child and Family Policy  
Department of Children and Family Services  
406 E. Monroe, Station #65  
Springfield, Illinois 62703-1498  
Telephone: (217) 524-1983  
TDD: (217) 524-3715  
E-Mail: cfpolicy@dcfs.state.il.us

The full text of the adopted amendments begins on the next page.

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 89: SOCIAL SERVICES

## CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

## PART 401

## LICENSING STANDARDS FOR CHILD WELFARE AGENCIES

## Section

- 401.1 Purpose (Repealed)
- 401.2 Definitions (Repealed)
- 401.3 Effective Date of Standards (Repealed)
- 401.4 Application for License (Repealed)
- 401.5 Application for Renewal of License (Repealed)
- 401.6 Provisions Pertaining to License (Repealed)
- 401.7 Provisions Pertaining to Permit (Repealed)
- 401.8 Incorporation (Repealed)
- 401.9 Composition and Responsibilities of the Governing Body (Repealed)
- 401.10 Finances (Repealed)
- 401.11 The Administrator (Repealed)
- 401.12 Social Work Supervisors (Repealed)
- 401.13 Child Welfare Workers (Repealed)
- 401.14 Professional Staff (Repealed)
- 401.15 Support Personnel (Repealed)
- 401.16 Volunteers (Repealed)
- 401.17 Background Checks (Repealed)
- 401.18 Legal Safeguards of Children Served (Repealed)
- 401.19 Required Written Consents (Repealed)
- 401.20 Agency Responsibility (Repealed)
- 401.21 Interstate Placement of Children (Repealed)
- 401.22 Health and Medical Services for Children (Repealed)
- 401.23 Records and Reports (Repealed)
- 401.24 Records Retention (Repealed)
- 401.25 Agency Supervised Foster Family Homes, Group Homes and Day Care and Night Care Homes (Repealed)
- 401.26 Severability of This Part (Repealed)

## SUBPART A: INTRODUCTION AND DEFINITIONS

- 401.30 Purpose
- 401.40 Definitions

## SUBPART B: PERMITS AND LICENSES

- 401.100 Application for License
- 401.110 Provisions Pertaining to Permits
- 401.120 Provisional Licenses
- 401.130 Provisions Pertaining to Licenses
- 401.140 Application for Renewal of License

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## NOTICE OF ADOPTED AMENDMENTS

## TITLE 89: SOCIAL SERVICES

## CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

## SUBPART C: ADMINISTRATION AND FINANCIAL MANAGEMENT

## SUBPART D: PERSONNEL REQUIREMENTS

## SUBPART E: SERVICES TO CHILDREN

## SUBPART F: SEVERABILITY CLAUSE

- 401.150 Acceptance of Accreditation in Lieu of License Renewal Study
- 401.160 Voluntary Surrender of License
- 401.200 Incorporation
- 401.210 Composition and Responsibilities of the Governing Body
- 401.220 Organization and Administration
- 401.230 Finances
- 401.240 Background Checks
- 401.250 Required Reporting to the Department
- 401.260 Required Record Keeping
- 401.270 Records Retention
- 401.300 The Executive Director
- 401.310 Child Welfare Supervisors
- 401.320 Child Welfare Workers
- 401.330 Licensing Staff
- 401.340 Professional Staff
- 401.350 Support Personnel
- 401.360 Use of Volunteer Services
- 401.370 Non-Discrimination Against Employees Who Report Suspected Violations
- 401.380 Personnel Records
- 401.400 Legal Safeguards of Children Served
- 401.410 Required Written Consents
- 401.420 Agency Responsibility
- 401.430 Interstate Placement of Children
- 401.440 Health and Medical Services for Children
- 401.450 Transportation of Children
- 401.460 Agency Supervised Foster Family Homes, Group Homes and Day Care Homes
- 401.470 Agency Responsibilities for Adoption Services
- 401.480 Agency Responsibilities for Independent Living Programs
- 401.500 Severability of This Part

## APPENDIX A

## APPENDIX B

## APPENDIX C

## APPENDIX D

## APPENDIX E

## APPENDIX F

## APPENDIX G

## APPENDIX H

## APPENDIX I

## APPENDIX J

## APPENDIX K

## APPENDIX L

## APPENDIX M

## APPENDIX N

## APPENDIX O

## APPENDIX P

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- APPENDIX E Acceptance of Voluntary Surrender of License - No Investigations Pending
- APPENDIX F Acceptance of Voluntary Surrender of License - Investigations Pending
- APPENDIX G Acceptable Human Services Degrees
- APPENDIX H Professionals Who Must Be Registered or Licensed to Practice in the State of Illinois

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10].

SOURCE: Adopted and codified at 5 Ill. Reg. 11351, effective November 12, 1981; amended at 7 Ill. Reg. 3428, effective April 4, 1983; amended at 11 Ill. Reg. 17511, effective October 15, 1987; amended at 21 Ill. Reg. 4502, effective April 1, 1997; emergency amendment at 21 Ill. Reg. 9151, effective July 1, 1997, for a maximum of 150 days; emergency amendment modified in response to JCAR Objection at 21 Ill. Reg. 13929 and 14379; emergency expired on November 26, 1997; amended at 22 Ill. Reg. 10329, effective May 26, 1998; amended at 24 Ill. Reg. 9340, effective July 7 2000.

## SUBPART C: ADMINISTRATION AND FINANCIAL MANAGEMENT

## Section 401.230 Finances

- a) The agency shall maintain a degree of financial solvency that insures adequate care of the children for whom it has assumed responsibility. An agency is considered insolvent if its financial condition is such that the sum of its debts is greater than all of its property, at a fair valuation, exclusive of property transferred, concealed or removed with intent to hinder, delay or defraud its creditors. (This definition of "insolvency" is based on the definition contained in the United States Bankruptcy Code of 1978, 11 USC §541(c)(2).)
- b) The agency shall designate a chief fiscal officer who is responsible for the management of financial operations and the development of an annual operating budget. The board shall review and vote whether to accept, modify, or reject the proposed annual operating budget prior to the beginning of the agency's fiscal year. A copy of the approved annual operating budget shall be appended to the minutes of the meeting during which the budget was approved.
- c) At least once per quarter, a report shall be submitted to the Board of Directors comparing budgeted revenues and expenses with actual revenues and expenses to the board of directors for their review and acceptance, request for modification, or rejection as insufficient.
- d) The agency shall maintain fiscal records that which shall include:
- 1) current and projected operating budget;
  - 2) quarterly analysis of projected versus actual revenues and expenses;
  - 3) records of a corrective plan to reduce the agency's deficit, if

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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- any, and progress toward complying with that plan; and
- 4) financial records annually audited and certified by public accountants not otherwise affiliated with the agency.
- e) The above records shall be maintained and kept in the State of Illinois where they shall be readily available for review by authorized representatives of the Department. If the agency contracts with an outside accounting service, the agency must include in its contract the required availability of fiscal records to the Department.
- f) A certified copy of the agency's annual audit as performed by an independent auditor shall be submitted to authorized Department staff upon request.
- g) The agency shall submit the management representations regarding agency financial condition and operations, as original--financial analysis required by Appendix C of this Part, to the authorized licensing worker and a copy to the Central Office of--licensing--the financial analysis--shall be--submitted to the Department within 180 days after the end of the agency's fiscal year.

(Source: Amended at 24 Ill. Reg. 9340, effective July 7 2000.)

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## Section 401. APPENDIX C Management Representations Financial Analysis of Child Welfare Agency Financial Condition and Operations

The chief fiscal officer and an authorized representative of the governing body ~~a-certified public auditor who is not affiliated with the child welfare agency~~ ~~other than to perform the annual audit required by this Part~~ shall prepare responses to the following representations questions about the operations of the child welfare agency for the prior fiscal year and submit them to the Department within 180 days after the end of the agency's fiscal year. This response shall be on a form provided by the Department and shall be signed and dated by the chief fiscal officer and the authorized representative of the governing body. When the child welfare agency functions within a larger multi-service agency, the responses to these questions shall be limited to the operation of the child welfare agency.

1) Does the agency have an adequate accounting or bookkeeping system which accounts for receipts, disbursements, assets and liabilities?

1)2) The agency has a ~~Does~~ the bookkeeping system that includes include, minimally, a chart of accounts and appropriate accounting journals.?

2)3) The agency has paid its payrolls ~~Has the agency failed to meet any agency payroll~~ in accordance with the specified payroll schedule.?

3)4) The agency has paid ~~Has the agency failed to pay~~ relative caregivers and/or foster parents in accordance with its the established payment schedules ~~schedule~~.?

4)5) All ~~Has the agency been delinquent in paying its payroll taxes or other tax liabilities have been paid on or in advance of the date required by all taxing authorities.~~?

5)6) The agency has not defaulted on any debt. Has ~~the agency defaulted on agency debts~~?

6)7) The agency has billed funding agencies within 60 days for amounts due. ~~Has the agency failed to bill on a timely basis for amounts due to the agency?~~

7)8) The agency has not failed to collect billings and has not had to write off billings. ~~Has the agency failed to collect bad debts? Has the agency had to write off bad debts?~~

8)9) The agency has adequate assets to provide for agency operations and ~~Has the agency failed to maintain adequate assets to provide continuous agency operations and provide services such as staff, taxes, rent, utilities, and supplies for a period of at least 30 days.~~?

9)10) ~~Has the agency has not loaned money to agency employees or members of the board of directors.~~?

10)11) The agency does not have an operating deficit for the year. If ~~the agency has a cumulative operating deficit which is not attributable to a planned one-time increase in expenditures, has the agency developed and implemented a corrective plan which has been submitted to the governing body for approval?~~

If the answer to any of the questions 3 through 11 is "yes," please provide

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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details--which--explain--the--yes--answer--attaching--additional--sheets--as necessary:

(Source: Amended at 24 Ill. Reg. 9340 effective 4/1/2000)



## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED RULES

## NOTICE OF ADOPTED RULES

1) Heading of the Part: Licensing Standards for Secure Child Care Facilities

2) Code of Citation: 89 Ill. Adm. Code 411

3) Section Numbers: Adopted Action:

411.10 New  
 411.15 New  
 411.20 New  
 411.40 New  
 411.45 New  
 411.50 New  
 411.55 New  
 411.60 New  
 411.65 New  
 411.70 New  
 411.75 New  
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 411.85 New  
 411.90 New  
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 411.105 New  
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 411.705 New  
 411.710 New  
 411.715 New  
 411.720 New  
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 411.730 New  
 411.735 New  
 411.740 New  
 411.800 New  
 APPENDIX A New  
 APPENDIX B New  
 APPENDIX C New  
 APPENDIX D New  
 APPENDIX E New

4) Statutory Authority: The Child Care Act of 1969 [225 ILCS 10].

5) Effective Date of Rules: June 30, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rule contain incorporations by reference? No

8) A copy of the adopted rule, including any material incorporated by

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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reference, is on file in the agency's principal office and is available for public inspection.

- 9) Notice of Proposal Published in Illinois Register: July 9, 1999 at 23 Ill. Reg. 7621
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Differences between proposal and final version: The only changes made are those editing and formatting changes recommended by the Secretary of State Administrative Code Division or the Joint Committee on Administrative Rules. Those changes, and only those changes, are made by the Department in the adopted rule.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rule replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rules: Part 411 will permit the Illinois Department of Children and Family Services to license secure child care facilities in Illinois to serve as placement resources for DCFS wards who are not adjudicated delinquent but require clinically intensive mental health and rehabilitative treatment in secure child care facilities. Prior to the passage of Public Act 90-608, DCFS did not have authority to license secure child care institutions, and children requiring such treatment have been placed in out-of-state secure facilities.

Secure child care facilities are specialized treatment facilities for mentally and emotionally ill children that may be locked or staff secured to prevent elopement while children and youth receive intensive mental health treatment. Admission is limited to children in the custody or guardianship of the Department who are not subject to placement in a correctional facility operated by the Illinois Department of Corrections. Placement in secure care is determined by standardized clinical criteria that limit admission to children and youth who are seriously emotionally disturbed and who present a serious risk of bodily harm to themselves and/or others.

Placement is treatment-focused and time-limited. Frequent clinical reviews of children in secure child care facilities are required to determine the appropriateness of continued placement. The protections available to children and families under the Illinois Mental Health Code apply to placement in secure care, including a mechanism for children, parents, and/or advocates to challenge initial or continued placement in secure child care facilities.

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- 16) Information and questions regarding these adopted rules shall be directed to:

Ms. Sue Howell  
Office of Child and Family Policy  
Department of Children and Family Services  
406 E. Monroe, Station #65  
Springfield, Illinois 62703-1498  
Telephone: (217) 524-1983  
TDD: (217) 524-3715  
E-Mail: cfpolicy@dcfs.state.il.us

The full text of the adopted rules begins on the next page.

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED RULES

TITLE 89: SOCIAL SERVICES  
 CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES  
 SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

## PART 411

LICENSING STANDARDS  
 FOR SECURE CHILD CARE FACILITIES

## SUBPART A: INTRODUCTION, DEFINITIONS, AND APPLICABILITY

Section	Purpose
411.10	Applicability
411.15	Definitions
411.20	

## SUBPART B: LICENSES

Section	Licenses Required
411.40	Application for License
411.45	Licensing Requirements
411.50	Incorporation
411.55	Responsibilities of the Governing Body
411.60	Provisional Licenses
411.65	Application for Renewal of License
411.70	Grounds for Revocation or Refusal to Issue or Renew a License
411.75	Complaints Concerning Licensees
411.80	Investigation of Complaints, Potential Deficiencies or Violations
411.85	Concerning Licensees
	Disposition of Complaints, Potential Deficiencies or Violations
411.90	Concerning Licensees
411.95	Closure Order

## SUBPART C: PROGRAMMING AND MONITORING

Section	Purpose and Mission
411.100	Standard Program Plan
411.105	Admission Requirements
411.110	Admission Processing and Case Management
411.115	Mental Health and Rehabilitative Services
411.120	Behavior Intervention Plans in Secure Child Care Facilities
411.125	Restrictive and Invasive Behavior Management Procedures
411.130	Precautions for High Risk Behavior
411.135	Supervision of Children and Youth
411.140	Psychiatric Hospitalization
411.145	Authorization for Continued Placement
411.150	

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED RULES

Section	Discharge Planning Requirements
411.155	Recreation and Leisure Time Activities
411.160	Educational Services
411.165	Religious Programs
411.170	Client Files
411.175	Security Procedures
411.180	Child Counts and Youth Counts
411.185	Child and Youth Movement
411.190	Searches for and Control of Contraband
411.195	Criminal Violations
411.200	On-site Inspection of Programs, Security, and Operations
411.205	

## SUBPART D: CLIENT RIGHTS

Section	Client Rights and Confidentiality
411.300	Objections to Admission
411.305	Mail
411.310	Telephones
411.315	Visits
411.320	

## SUBPART E: PERSONNEL AND STAFFING REQUIREMENTS

Section	Background Checks for Personnel
411.400	Administration
411.405	Personnel
411.410	Volunteers and Interns
411.415	Requirements of Professional Staff
411.420	Facility Director
411.425	Medical Director
411.430	Administrative Coverage
411.435	Secure Child Care Staff
411.440	Secure Child Care Supervisors
411.445	Rehabilitative Services Treatment Staff
411.450	Medical and Nursing Staff
411.455	Health Requirements for Staff and Volunteers
411.460	Training and Staff Development
411.465	

## SUBPART F: RECORDS AND FISCAL MANAGEMENT

Section	Reports and Correspondence
411.500	Fiscal Management
411.505	Funds and Property of Children and Youth
411.510	

## SUBPART G: PHYSICAL PLANT, GROUNDS AND SAFETY

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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## Section

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## Section

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## Section

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 411. APPENDIX A Resource Reference List  
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AUTHORITY: Implementing and authorized by the Child Care Act of 1969 (225 ILCS 101).

SOURCE: Adopted at 23 Ill. Reg. 9348, effective  
JUN 30 2000.

## SUBPART A: INTRODUCTION, DEFINITIONS, AND APPLICABILITY

## Section 411.10 Purpose

The purpose of this Part is to prescribe the standards for licensure as a secure child care facility and to describe the requirements for the admission and treatment of children and youth.

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Placement in facilities licensed under this Part is limited to children and youth who are 13 years of age or older but less than 18 years of age who are subject to placement under the Children and Family Services Act and who are not subject to placement in a correctional facility operated by the Department of Corrections pursuant to Section 3-15-2 of the Unified Code of Corrections (730 ILCS 5/3-15-2).

## Section 411.15 Applicability

This Part applies to any qualified applicant that intends to develop, establish, maintain, or operate a secure child care facility licensed by the Department of Children and Family Services in the State of Illinois.

## Section 411.20 Definitions

"Background check" means:

- a criminal history check via fingerprints of persons age 18 and over which are submitted to the Illinois State Police and the Federal Bureau of Investigation (FBI), for comparison to their criminal history records, as appropriate; and
- a check of the Child Abuse and Neglect Tracking System (CANTS) and other state child protection systems, as appropriate, to determine whether an individual is currently alleged or has been indicated as a perpetrator of child abuse or neglect; and
- a check of the Statewide Child Sex Offender Registry.

"Child" or "youth" means any person for whom the Department is legally responsible who is 13 years of age or older but is less than 18 years of age.

"Clinical evaluation" means a standardized clinical protocol used by an independent examiner to determine whether a child or youth meets the requirements established by the Department for admission to a secure child care facility (see Section 411.110(b)). This protocol shall assess the following items: the child's or youth's presenting problems within the context of his or her current treatment plan; the child's or youth's mental status and psychiatric diagnosis; the child's or youth's risk of harm to self and/or others; and the appropriateness of both less and more restrictive treatment and placements (i.e., non-secure placements and psychiatric care).

"Complaint" means any oral or written report made to or by the Department alleging violation of federal, State, or local laws and rules and regulations related to the licensing or operation of secure child care facilities.



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"Contraband" means items that are proscribed by criminal law, facility rules, or posted notices; items that the child or youth has no authorization to possess; or property that is in excess of that authorized by the facility. Contraband shall include, but not be limited to, possession by a child or youth of any of the following:

- Alcohol;
- Cannabis or controlled substances, and paraphernalia for cannabis or controlled substances;
- Weapons, including firearms, knives, broken glass, or similar cutting devices or clubs;
- Flammables, explosives, matches or lighters;
- Ammunition;
- Chemical agents or electric stun guns;
- Tools, keys, chains, or ropes;
- Gum, putty, or caulk;
- Any smoking or tobacco materials in the possession of children or youth; or
- Any other item proscribed by the secure child care facility director due to safety or security reasons.

"Controlled substances" means any substance identified in Section 102 of the Illinois Controlled Substances Act [720 ILCS 570/102], including cannabis as defined in Section 3 of the Cannabis Control Act [720 ILCS 550/3].

"DSM-IV" means the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (American Psychiatric Association, 1400 K Street N.W., Washington, DC 20005, 1994 Edition).

"Degree of need study" means an annual needs assessment conducted by the Department that is structured to determine the number of children and youth who are in need of placement in secure child care facilities. The needs assessment focuses on the clinical needs of children and youth, as well as the geographic location from which children and youth originate. All decisions concerning the issuance of licenses for secure child care facilities shall be based upon the Department's annual degree of need study.

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"Department" means the *Illinois Department of Children and Family Services*. (Section 2.02 of the Child Care Act of 1969 [225 ILCS 10/2.02])

"Director" means the Director of the Department of Children and Family Services.

"Disability" means a physical or mental impairment that substantially limits one or more of the major life activities of an individual, a record of such impairment, or being regarded as having such impairment.

"Drug test" means a urinalysis or blood test conducted by a Laboratory certified by the Substance Abuse and Mental Health Services Administration, formerly the National Institute on Drug Abuse, to identify the presence of illegal or controlled substances.

"Facility director" means the executive level manager designated by the governing body to be administratively responsible for the secure child care facility and for compliance with all requirements of this Part.

"Finding" means a report of results of an investigation of a complaint or of grounds for revocation or termination by staff authorized by the Director to conduct the investigation (see 20 Ill. Adm. Code 801.20).

"Gatekeeper" means a Department employee assigned to monitor a specific secure child care facility's admission, treatment, and discharge of children and youth.

"ICD-9-CM" means the International Classification of Diseases, Clinical Modification, Ninth Revision, Fourth Edition (October 1991), published by Med-Index Publications, 5225 Wiley Post Way, Suite 500, Salt Lake City, UT 84116-2889.

"Independent examiner" means a psychiatrist, clinical social worker, or clinical psychologist who does not have a financial (i.e., employment or contractual) or familial relationship with a licensed secure child care facility, and who has been designated by the Department to perform clinical evaluations to determine whether a child or youth meets the admission requirements established by the Department.

"Involunt" means the entity's financial condition is such that the sum of its debts is greater than all of its property, at a fair valuation, exclusive of property transferred, concealed, or removed with intent to hinder, delay, or defraud its creditors.

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"Investigation" means an information gathering and assessment process initiated and conducted by the Department in order to determine compliance with Department rules and procedures or with federal, State, and local laws.

"License" means a document issued by the Department that authorizes the applicant to establish or operate a secure child care facility in accordance with applicable standards and provisions of the Child Care Act of 1969 [225 ILCS 10].

"Licensed practitioner of the health arts (LPHA)" (see 59 Ill. Adm. Code 132.23) means a clinical psychologist licensed under the Clinical Psychologist Licensing Act [225 ILCS 15], a licensed clinical social worker (LCSW) licensed under the Clinical Social Work and Social Work Practice Act [225 ILCS 20] or a clinical professional counselor holding a permanent license pursuant to the Professional Counselor and Clinical Professional Counselor Licensing Act [225 ILCS 107].

"Licensee" means an agency or organization who holds a secure child care facility license or a provisional license issued by the Department of Children and Family Services.

"Licensing representative" means Department staff authorized by the Director to examine facilities applying for or having been issued a secure child care facility license.

"Licensing study", as used in this Part, means the review of an application for secure child care facility license, on-site visits, interviews and the collection and review of supporting documents to determine compliance with the Child Care Act of 1969 [225 ILCS 10], the standards prescribed by this Part, other applicable Department standards, and federal or State laws.

"Medicaid community mental health services program" means assessment, treatment and/or rehabilitative services as defined by 59 Ill. Adm. Code 132 (Medicaid Community Mental Health Services Program) that are provided by or under a subcontract with a certified provider under a contractual agreement with the Department. These services are supported financially in whole or in part by the Department and are also included under the Illinois Medical Assistance Program (89 Ill. Adm. Code 140) for eligible clients. Providers must be certified by the Department or the Department of Human Services and also be enrolled with and be approved by the Department of Public Aid as a Medicaid provider.

"Medical director" means a psychiatrist with at least 2 years of experience treating children and adolescents who is responsible for directing all medical and psychiatric services offered in a secure

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child care facility.

"Mental health professional (MHP)" means the mental health professional who provides services under the supervision of a qualified mental health professional (QMHP). The mental health professional must possess a bachelor's degree, a practical nurse license pursuant to the Nursing and Advanced Practice Nursing Act [225 ILCS 65] or have a minimum of five years clinically supervised experience in mental health or human services.

"Mental illness" means a diagnosis of mental illness as defined in 59 Ill. Adm. Code 132.23 (Medicaid Community Mental Health Services Program).

"Minor traffic violation" means any traffic violation that resulted in a fine of \$100 or less without any other penalty, such as suspension or revocation of the driver's license, probation, jail sentence, or community service work.

"Physician" means a physician licensed under the Medical Practice Act of 1987 [225 ILCS 60].

"Plan" means the facility's written policy, procedures, and practices in a particular area.

"Profiling" means the Department's process of assessing the performance of and categorizing residential providers based on their target population, service mix, staffing patterns and coverage, program design, and physical plant characteristics. Assessment of performance is based on measurable key outcome indicators, such as length of stay, successful and stable step downs, success of treatment outcomes, number of psychiatric hospitalizations, number of unauthorized absences, unplanned discharges, use of restrictive procedures, unusual incident reports, formal complaints and/or grievances, and injuries to children and youth.

"Qualified applicant" means an applicant for a secure child care facility license that has met all of the following prerequisites to seeking a license for a secure child care facility:

- The applicant must be licensed to provide residential care for children and youth in a child care institution licensed pursuant to 89 Ill. Adm. Code 404 (Licensing Standards for Child Care Institutions and Maternity Centers).
- Based upon profiling, the applicant has been determined to have the capability to provide mental health and rehabilitative services in a continuum of care, on the campus where the secure

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child care facility is located, to children and youth who present the most serious behavioral and emotional symptoms and whose histories manifest placement disruption and patterns of difficult adjustment to substitute care living arrangements. An applicant's qualification will be based upon performance and outcome measures related to such services, as well as a review of their past performance as a licensed child care institution.

- The secure child care facility must be accredited by one or more of the following nationally recognized accrediting organizations:
  - Council on Accreditation of Services for Families and Children (COA), 120 Wall Street, 11th Floor, New York, New York 10005.
  - Joint Commission on Accreditation of Healthcare Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181.
  - The Rehabilitation Accreditation Commission (CARF), 4891 East Grant Road, Tucson, Arizona 85712.
- The applicant must be certified and enrolled in good standing as a provider under 59 Ill. Adm. Code 132 (Medicaid Community Mental Health Services Program).

- The applicant has received written notification from the Department of the need for a secure child care facility in the Child and Adolescent Local Area Network or region of the Department where the facility is located. This determination shall be based upon the Department's degree of need study.

"Qualified mental health professional (QMHP)" means one of the following:

- A physician licensed under the Medical Practice Act of 1987 [225 ILCS 60] to practice medicine or osteopathy with training in mental health services or one year of clinical experience, under supervision, in treating problems related to mental illness or specialized training (the treatment of children and adolescents);
- A psychiatrist (a physician licensed under the Medical Practice Act of 1987) who has successfully completed a training program in psychiatry approved by the American Medical Association, the American Osteopathic Association, or other training program identified as equivalent by the Department, and 2 years experience treating children and adolescents;
- A psychologist licensed under the Clinical Psychologist Licensing

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Act [225 ILCS 15] with specialized training in mental health services;

- A social worker possessing a master's or doctoral degree in social work and licensed under the Clinical Social Work and Social Work Practice Act [225 ILCS 20] with specialized training in mental health services;
- A registered nurse licensed pursuant to the Nursing and Advanced Practice Nursing Act [225 ILCS 65] with at least one year of clinical experience in a mental health setting or a master's degree in psychiatric nursing;
- An occupational therapist registered pursuant to the Illinois Occupational Therapy Practice Act [225 ILCS 75] with at least one year of clinical experience in a mental health setting;
- An individual with a master's degree and at least one year of clinical experience in mental health services and who holds a license to practice marriage and family therapy pursuant to the Marriage and Family Therapy Licensing Act [225 ILCS 55]; or
- An individual possessing a master's or doctoral degree in counseling and guidance, rehabilitation counseling, social work, vocational counseling, psychology, pastoral counseling, family therapy, or related field, who has successfully completed a practicum and/or internship that includes a minimum of 1,000 hours, or who has one year of clinical experience under the supervision of a qualified mental health professional, or who is a licensed social worker holding a master's degree with two years of experience in mental health services, or who is a permanently licensed professional counselor under the Professional Counselor and Clinical Professional Counselor Licensing Act [225 ILCS 107] holding a master's degree with one year of experience in mental health services.

"Secure child care facility" means any child care facility licensed by the Department to provide secure living arrangements for children under 18 years of age who are subject to placement in facilities under the Children and Family Services Act and who are not subject to placement in facilities for whom standards are established by the Department of Corrections under Section 3-15-2 of the Unified Code of Corrections and which comply with the requirements of this Act and applicable rules of the Department and which shall be consistent with requirements established for child residents of mental health facilities under the Juvenile Court Act of 1987 and the Mental Health and Developmental Disabilities Code. "Secure child care facility" also means a facility that is designed and operated so as to ensure that

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*all entrances and exits from the facility, a building, or distinct part of a building are under the exclusive control of the staff of the facility, whether or not the child has the freedom of movement within the perimeter of the facility, building, or distinct part of a building.* [225 ILCS 10/2.22]

A secure child care facility shall be a fully integrated, self-contained program area of a licensed child care institution that meets all the licensing and program requirements specified in this Part. At a minimum this includes an indoor activity area, classrooms, dining area, nursing station, seclusion room (if applicable), physician's examining room, patient bedrooms, and bathrooms. Staff offices shall be located within or contiguous to the secure child care facility.

"Serious illness or injury" means an illness or injury that requires treatment at an urgent care center or emergency room or that results in a hospital admission of any length of time.

"Substance abuse" means the illegal or unauthorized use of controlled substances or the misuse of over-the-counter medications or other substances.

"Universal Precautions" means an approach to infection control. According to the concept of Universal Precautions, all human blood and certain body fluids are treated as if known to be infectious for HIV, HBV, and other blood-borne pathogens.

## SUBPART B: LICENSES

## Section 411.40 Licenses Required

- a) Any qualified applicant that desires to develop, establish, maintain, or operate a secure child care facility for the placement by the Department of a child or youth for whom the Department is legally responsible must obtain a license from the Department prior to commencing operations.
- b) Before a license may be granted, the licensing applicant must certify its compliance with federal, State, and local laws; all applicable building, zoning, planning, land use, health, and sanitation regulations as specified in federal, State, or local laws or ordinances; fire safety requirements of the State Fire Marshal; and the requirements prescribed in this Part.
- c) There shall be no fee or charge for the license.

## Section 411.45 Application for License

- a) Upon request, the Department shall issue an application for a license

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to operate a secure child care facility to a qualified applicant, as defined in this Part. The application for license or the renewal of a license shall be completed and signed by the governing body of the facility or its authorized representatives on forms prescribed and furnished by the Department.

b) The application shall include the following:

- 1) Articles of incorporation and bylaws, certification that the facility's corporate status is in good standing with the Illinois Secretary of State and a statement of whether the facility is for profit or not-for-profit. If the facility is not-for-profit, the facility shall submit proof of its not-for-profit status with the Internal Revenue Service and charitable status with the Illinois Attorney General.
- 2) A statement of purpose and range of services, including the types of child care services provided or to be provided, and a general description of the type of security arrangements established or to be established.
- 3) A copy of the current child care institution license issued by the Department of Children and Family Services pursuant to 89 Ill. Adm. Code 404 (Licensing Standards for Child Care Institutions and Maternity Centers).
- 4) The names and addresses of current officers and board members and a list of the committees of the governing body.
- 5) Annual current operating budget and projected budget showing anticipated expenses and income for the first two years of operation, including a listing of all current and projected sources of income.
- 6) A facility site plan of the proposed site in which the specific use of each building and the specific floor plan showing each room to be used for secure child care is identified and an explanation of the facility locking, lighting, and communication features. All secure doors, windows, and perimeter structures, including any fencing and gates, shall be shown. The secure child care facility shall submit an architectural statement that the site plan complies with the Americans with Disabilities Act of 1990 (42 USC 12101) and with the regulations implementing Title I and Title II of that Act.
- 7) The program plan for secure child care.
- 8) The staffing plan for the secure child care program that provides for continuous supervision, active treatment services, and security for children and youth residing in the facility and that includes the number of staff, their minimum qualifications, pre-service orientation and on-going training for staff, and complete job descriptions and job titles.
- 9) A description of the quality assurance mechanism for the services provided within the secure child care program.
- 10) A list of persons subject to the background check requirements of 89 Ill. Adm. Code 385 (Background Checks) and each person's



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complete, signed authorization to conduct the background check.  
11) Documentation of accreditation by one or more of the following nationally recognized accrediting organizations:

- A) Council on Accreditation of Services for Families and Children (COS), 120 Wall Street, 11th Floor, New York, New York 10005.
- B) Joint Commission on Accreditation of Healthcare Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181.
- C) The Rehabilitation Accreditation Commission (CARF), 4891 East Grant Road, Tucson, Arizona 85712.

Documentation of current accreditation status shall be achieved by submission by the secure child care facility to the Department of a certificate of accreditation and the most recent accreditation report, and a letter from the accrediting organization (see definition of "Qualified Applicant"), dated within 30 days prior to the date of the application for licensure, stating that the secure child care facility is in good standing with the organization.

- 12) Documentation of certification as a provider under 59 Ill. Adm. Code 132 (Medicaid Community Mental Health Services Program) and a Department of Public Aid Medicaid provider enrollment number.
  - 13) Written notification from the Department that the results of profiling indicate the applicant to be qualified to serve seriously emotionally disturbed or mentally ill children and youth requiring treatment in a secure setting.
  - 14) Written notification from the Department stating that the degree of need study supports issuance of a secure child care facility license in the Child and Adolescent Local Area Network or region of the Department where the applicant is located and the number of beds for which the degree of need exists in that Child and Adolescent Local Area Network or region of the Department.
- c) A new application shall be filed when:
- 1) an application for a secure child care facility license has been withdrawn with Department approval before a decision was made on the application and the applicant seeks to reapply; or
  - 2) the applicant had been licensed previously as a secure child care facility, but voluntarily surrendered the license, and any waiting period agreed to when the voluntary surrender was accepted has expired; or
  - 3) the applicant had been licensed as a secure child care facility, but the Department revoked or refused to renew the license and the requirements of subsection (e) of this Section have been fulfilled.
- d) A new application may be submitted at any time when a secure child care facility license or application has been voluntarily surrendered or withdrawn by the applicant with Department approval unless the

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applicant has signed an agreement with the Department not to reapply for a license for a specified period of time or has been requested to enter into an agreement with the Department not to reapply for a license but declined to do so within 1 year after the request. Once an investigation of the facility has been commenced by the Department's licensing or child protection units, the Department's Office of the Inspector General, a federal or State agency, or a governmental entity, the license may be voluntarily surrendered only with the signed written agreement of the regional licensing administrator on the form prescribed in Appendix C.

- e) If the Department has refused to renew a license, or has revoked a license, the facility may not reapply for a license before the expiration of 12 months after the Department's action.
- f) If the applicant's mailing address, but not the physical location, changes the Department shall be notified immediately, but no later than ten days after the change.
- g) A current, 24 hour access telephone number and, if available, a fax number shall be provided to the Department.

## Section 411.50 Licensing Requirements

- a) A license to operate a secure child care facility shall be valid for four years from the date issued unless revoked by the Department or voluntarily surrendered by the licensee as described in Section 411.45 of this Part.
- b) A license shall not be issued retroactively.
- c) The license shall include the licensee's name, the facility name and address, the maximum capacity, and the age and gender of children and youth to be served.
- d) The license shall not be transferred to another person, organization, or sponsor, including corporate or subsidiary, nor shall it be valid for a name, address, or part of the facility other than what is shown on the license.
- e) The facility shall adhere to all of the provisions specified on the license.
- f) The facility shall maintain a degree of financial solvency that assures compliance with the standards prescribed in this Part and assures adequate care of children and youth for whom it has assumed responsibility.
- g) Financial records shall be maintained and kept in the State of Illinois where they shall be readily available for review by the licensing staff.
- h) A certified copy of the facility's annual audit as performed by an independent auditor shall be submitted to the Department annually, as required in Section 411.500 of this Part. For purposes of obtaining initial licensure, the facility shall submit the annual audit of the child care institution that shares the campus with the secure child care facility.



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- i) The Department shall be notified immediately if the facility is determined to be financially insolvent.
- j) If the secure child care facility's accreditation status changes for any reason, including but not limited to the commencement of a voluntary or involuntary accreditation review, the facility director shall notify the Department of that change immediately.
- k) Changes in the following shall occur only upon prior written approval of the Department:
  - 1) The programming modality used by the facility;
  - 2) The capacity of the facility;
  - 3) Any area within the facility used for secure child care; or
  - 4) The security, program and treatment plans to be used by the facility.
- l) The licensee shall give 90 days written notice to the Department prior to voluntarily closing or terminating its secure child care facility. The notice shall state the proposed date of closing and the reason for the closing. The facility shall operate in compliance with the standards listed in this Part until date of closure or until all children and youth are removed and the Department approves, in writing, an earlier date of closure.
- m) A current license for the secure child care facility shall be publicly displayed at the facility at all times.

**Section 411.55 Incorporation**

The secure child care facility or responsible governing body shall be incorporated and a copy of the articles of incorporation filed with the Department at the time of application. Later amendments or a certificate of dissolution shall be filed as they occur.

**Section 411.60 Responsibilities of the Governing Body**

- a) The governing body shall be a board of directors composed of at least five persons. All members of the governing body shall be of reputable and responsible character. Each board member shall certify in writing that:
  - 1) he or she has never been indicated as a perpetrator in a child abuse or neglect report, as defined in Appendix B of 89 Ill. Adm. Code 300 (Reports of Child Abuse and Neglect); and
  - 2) the Department has not revoked, refused to renew, or denied a license for a child care facility operated by the individual, or for which the individual served on the governing body at the time the Department revoked or refused to renew a license.
- The governing body shall be responsible for maintaining the standards set forth in this Part.
- b) The governing body shall designate and approve the selection of the facility director of the secure child care facility. The facility director shall report directly to the governing body concerning the

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- administration and clinical operation of the secure child care facility.
- c) Each principal shareholder of the secure child care facility (owning 5% or more of the corporate stock), whether or not a member of the governing body, shall be of reputable and responsible character and shall certify in writing that:
    - 1) he or she has never been indicated as a perpetrator in a child abuse or neglect report, as defined in Appendix B of 89 Ill. Adm. Code 300 (Reports of Child Abuse and Neglect); and
    - 2) the Department has not revoked, refused to renew, or denied a license for a child care facility operated by the individual, or for which the individual served on the governing body at the time the Department revoked or refused to renew a license.
  - d) The governing body shall:
    - 1) Establish written by-laws;
    - 2) Assume that the facility operates at all times with an on-site administrator who, by official notice, is made known to the Department;
    - 3) Hold at least 4 meetings annually, on a quarterly basis, at which the facility director shall provide a complete status report on the operation of the secure child care facility and compliance with this Part;
    - 4) Keep written records or minutes of all board meetings reflecting official actions by the board;
    - 5) Officially notify the Department, in writing, of any significant changes in the corporate structure or a change in the administration of the facility, including: articles of incorporation and by-laws, board membership, officers, ownership, and changes in services provided by the facility;
    - 6) Review and approve written policies of the facility that shall be made available to all members of the governing body and employees of the facility, including services to be provided by the facility;
    - 7) Assume that staff have achieved appropriate competency levels for the types of children and youth in the secure child care facility and are administering and implementing the facility's established policies correctly;
    - 8) Assume that the facility has a clearly outlined plan to ensure continuity of care for children and youth admitted to the secure child care program and sufficient linkages to aftercare programs to support children and youth after discharge from secure care;
    - 9) Provide and maintain physical facilities appropriate for the program and supporting services, and assume that damage to facility structures or furnishings is immediately reported and repaired as soon as possible;
    - 10) Assume that all records and documents required by this Part are maintained and kept in the State of Illinois where they shall be readily available for review by licensing representatives;

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- 1) Assure fidelity bonding of fiscally responsible officers and employees, elected or appointed, whether or not compensated by salary, against breach of fiduciary duty or the loss of monies, securities or other property that the facility may sustain through any fraudulent or dishonest act committed by any officer or employee acting alone or in collusion with others; and
- 2) Assure that all persons working with or having access to children and youth are of reputable character through compliance with 89 Ill. Adm. Code 385 (Background Checks).

## Section 411.65 Provisional licenses

- a) The Department will issue a provisional license for the first two years to applicants for initial licenses as a secure child care facility when the facility achieves compliance with all of the Department's licensing standards for secure child care facilities. A provisional license shall be valid for a period of two years from the date of issuance.
- b) The Department may restrict the operation of the secure child care facility by attaching provisions to the license, such as those identified in subsection (d) of this Section. In addition, a provisional license may be issued when a former license holder seeks to reapply after the license was voluntarily surrendered or after the Department revoked or refused to renew the former license.
- c) Good cause for issuing a provisional license to a former or current holder of a secure child care facility license is evidenced by, but not limited to:
  - 1) lack of financial responsibility as evidenced by maintaining inadequate assets or by late payment (more than ten days after the scheduled payment date) of tax obligations, bills or other evidence of financial instability;
  - 2) inadequate or missing records or reports, as required by this Part;
  - 3) missing case reviews or court hearings, when staff presence is requested or required, on a regular basis or coming to case reviews or court hearings unprepared on a regular basis;
  - 4) excessive turnover (25% or more turnover within a one-year period or more than provided in the by-laws) in the governing body;
  - 5) excessive turnover (50% or more turnover within a one-year period) among permanent secure child care staff in each unit; or
  - 6) other good cause when supported by adequate documentation that the facility is failing to operate in the interest of the children and youth served.
- d) The facility shall adhere to the provisions specified on the license that may include, but are not limited to:
  - 1) establishing specific supervisor/child welfare staff ratios that the facility must maintain;
  - 2) requiring at least six bi-monthly meetings of the Board of

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- Directors and greater involvement from the Board of Directors in facility operations;
- 3) requiring oversight by a certified public auditor who provides periodic reports to the Department; or
  - 4) requiring other supportive or corrective measures as deemed necessary in writing by the Department.

## Section 411.70 Application for Renewal of License

- a) Application forms for license renewal shall be mailed to the secure child care facility by the Department six months prior to the expiration date of the license. The completed application shall be submitted to the Department 90 days prior to the expiration date of the license.
- b) Upon receipt of a complete signed application for a license, the Department shall conduct a licensing study in order to determine that the secure child care facility meets licensing standards. The study shall include an on-site visit of the premises and a review of the records of the facility as the Department considers necessary in order to determine that the facility meets or continues to meet the licensing standards for a secure child care facility. The licensing study shall be in writing and shall be reviewed and signed by the licensing supervisor and the licensing representative performing the study. The Department shall either:
  - 1) Renew the license if the Department is satisfied that the facility continues to maintain the minimum licensing standards; or
  - 2) Refuse to renew the license.
- c) When a licensee has made timely and sufficient application for renewal of a license and the Department fails to render a decision on the application for renewal of the license prior to the expiration date of the license, the existing license shall continue in full force and effect until the final Department decision has been made.

## Section 411.75 Grounds for Revocation or Refusal to Issue or Renew a License

The Department may revoke a license or refuse to renew a license of any secure child care facility if there is a finding that the licensee or the licensee's governing body or employees did any of the following:

- a) Failed to maintain standards prescribed by Department rules or applicable laws.
- b) Violated any of the provisions of the license issued.
- c) Acted to conceal, misrepresent, or falsify any condition, action, or omission that would demonstrate non-compliance with rules or procedures or a violation of any federal, State, or local law or court order.
- d) Failed to submit to the Department required reports or failed to make available to the Department any records required by the Department in

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- conducting an investigation of the facility for licensing purposes.
- e) Failed or refused to submit to or fully cooperate with an investigation required by the Department.
  - f) Failed or refused to admit authorized representatives of the Department at any time for the purpose of investigation.
  - g) Failed to provide, maintain, equip, and keep in a safe, secure, and sanitary condition premises established or used for secure child care required under standards prescribed by the Department rules or required by any law, regulation, or ordinance applicable to the location of the facility.
  - h) Failed to limit the activities of an employee, volunteer or intern at the facility who is the subject of an indicated report under the Abused and Neglected Child Reporting Act (325 ILCS 5) as required in 89 Ill. Adm. Code 385.30 (Background Checks).
  - i) Failed to exercise reasonable care in the hiring, training, and supervision of facility personnel.
  - j) Failed to report suspected abuse or neglect of children or youth within the facility, as required by the Abused and Neglected Child Reporting Act.
  - k) Failed to report to the Department unusual incidents as required in Section 411-500 of this Part.
  - l) Was identified in an investigation by the Department or a law enforcement or other regulatory agency as a licensee who is employing a substance abuser as defined in Section 1-10 of the Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301/1-10] and the individual does not comply with the standards relating to the character, suitability, or other qualifications established under this Part.
  - m) Failed to correct any condition that may jeopardize the health, safety, security, or welfare of children or youth served by the facility.
  - n) Failed to correct any condition or occurrence relating to the operation, security, or maintenance of the facility.
  - o) Failed to maintain financial resources adequate to administer a secure child care facility.

**Section 411.80 Complaints Concerning Licensees**

- a) Complaints alleging abuse or neglect of children or youth shall be reported immediately to the State Central Register in accordance with the Abused and Neglected Child Reporting Act (325 ILCS 5).
- b) The Central Office of Licensing shall be notified in writing within ten business days after receipt of any notice of legal action that may affect the operations of the facility. The notice shall include a copy of all complaints, notices, demands, orders and other relevant materials received by the facility. The Central Office of Licensing shall forward a copy of all materials to the Office of Legal Services, Department of Children and Family Services, 100 W. Randolph, Chicago,

Illinois 60601.

- c) All other complaints concerning secure child care facilities shall be directed orally or in writing to the licensing representative serving the facility, if known, or to the:

Central Office of Licensing  
Department of Children and Family Services  
406 East Monroe  
Springfield, Illinois 62701  
(217) 785-2688

**Section 411.85 Investigation of Complaints, Potential Deficiencies or Violations Concerning Licensees**

- a) Complaints alleging abuse or neglect of children or youth in the facility shall be investigated by the Department of Children and Family Services in accordance with 89 Ill. Adm. Code 300 (Reports of Child Abuse and Neglect).
- b) The Department shall initiate a timely investigation of all other licensing complaints, potential deficiencies, violations, or evidence of grounds for revocation or termination of the license.
- c) Department investigations shall include an interview with the person making the complaint, if known, and with others who may have knowledge relevant to the complaint or deficiency.
- d) An unannounced visit by the licensing representative shall be made to the location of the facility.
- e) The facility's refusal to allow the licensing representative to conduct the investigation or failure to otherwise cooperate in the investigation is basis for revocation of the facility license.

**Section 411.90 Disposition of Complaints, Potential Deficiencies or Violations Concerning Licensees**

Disposition of licensing complaints or licensing violations shall be handled in accordance with 89 Ill. Adm. Code 383 (Licensing Enforcement).

**Section 411.95 Closure Order**

- a) Whenever the Department finds that the continued operation of a secure child care facility jeopardizes the health, safety, morals or welfare of the children and youth served by the facility, the Department shall issue an order of closure directing that the operation of the facility terminate immediately, and, if applicable, shall initiate license revocation proceedings within ten working days.
- b) A facility closed under this Section may not operate during the pendency of any circuit or appellate court review of the decision by the Department to issue an order of closure or to revoke or refuse to renew the license, except under court order.

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- 1) Those children and youth residing at the facility shall be moved immediately.
- 2) All children's and youth's records, personal property, and any medication shall be released to the children's and youths' caseworkers.
- 3) The names and addresses of all staff shall be provided to the children's and youths' caseworkers.

## SUBPART C: PROGRAMMING AND MONITORING

## Section 411.100 Purpose and Mission

A current written statement of the mission, philosophy, goals, and purposes of the secure child care facility shall be maintained by the facility and be readily available for review by the Department.

## Section 411.105 Standard Program Plan

- a) All secure child care facilities shall comply with the Department's standardized program plan for secure child care facilities and with the requirements of 59 Ill. Adm. Code 132 (Medicaid Community Mental Health Services Program). Treatment staff shall meet the requirements established by 59 Ill. Adm. Code 132 for the provision of mental health and rehabilitative services, as well as additional requirements specified in Subpart E of this Part.
- b) Secure child care facilities shall be clinically intensive and highly structured in terms of programming and staff supervision. Placement in a secure child care facility shall not be used as a substitute for quality treatment and skilled intervention. All treatment plans shall be based upon the mental health or rehabilitative assessment and individualized with the following program components and services available: individual therapy or counseling; group therapy or counseling; family therapy or counseling; therapeutic activities; educational programming; milieu therapy; a behavior management plan; case management services; and program evaluation based on key performance indicators. In coeducational facilities, separate wings shall be provided for male and female children and youth.

## Section 411.110 Admission Requirements

- a) Only children and youth who are 13 years of age or older but less than 18 years of age for whom the Department is legally responsible may be placed in the secure child care facility in accordance with Section 5(m-1) of the Children and Family Services Act (20 ILCS 505/5(m-1)). Each child or youth admitted to a secure child care facility must fully meet the admission requirements established by the Department.
- b) Prior to admission to a secure child care facility, an independent examiner approved by the Department shall complete a face-to-face

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clinical evaluation of the child or youth and shall complete a written report in the required format that states the child or youth meets the requirements of this Section for admission to a secure child care facility and the reasons for admission. This report shall include the following components:

- 1) An analysis of the child's or youth's presenting problems;
  - 2) An assessment of the child's or youth's response to his or her current treatment plan and the capacity of the current placement to meet the child's or youth's clinical needs;
  - 3) A mental status examination, estimate of intellectual functioning level, and DSM-IV or ICD-9-CM diagnosis;
  - 4) An assessment of the child's or youth's level of risk to self and/or others;
  - 5) An assessment of the appropriateness of less restrictive placement and treatment options;
  - 6) A listing of the conditions under which the child or youth may be placed in a non-secure treatment program;
  - 7) An assessment of the appropriateness of psychiatric hospitalization; and
  - 8) An assessment of the communication requirements of the child or youth and family, to include oral and written communication in a language other than English and alternative modes of communication for the visually, speech and hearing impaired.
- c) The facility director shall review the referral material to assure that the child or youth meets the admission requirements, and shall submit the application to the Director or designee.
  - d) If a child or youth meets the requirements established by the Department for admission to a secure child care facility, the Director or designee shall review the child's or youth's case history, permanency goals, and clinical evaluation in order to determine whether admission to a secure child care facility is in the best interests of the child or youth. The decision to admit requires this level of approval.
  - e) Upon approval by the Director or designee, a written request for consent to admit the child or youth to a secure child care facility shall be submitted to the Department's Office of the Guardian.
  - f) Admission to the secure child care facility shall be consistent with the requirements for child residents set forth in the Mental Health and Developmental Disabilities Code [405 ILCS 5]. At a minimum, this shall include the following:

- 1) An application for admission written in clear non-technical language and including a statement in bold face type notifying the child or youth of his or her right to object to the admission and of the right to a hearing;
- 2) A statement listing the child's or youth's rights along with the address and telephone number of the regional offices of the Guardianship and Advocacy Commission and Equip for Equality, Inc., and documentation that notice of submission of the



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application has been provided to the child's or youth's attorney, Guardian ad Litem, foster parents, and parents;

3) Completion of necessary release of information forms that are in full compliance with the Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110]; and

4) A written description of the secure child care facility's program.

- g) A child or youth shall not qualify for admission to a secure child care facility based solely on a history of elopement. Admission must be based on a documented clinical finding that the child's or youth's behavior poses an established pattern of foreseeable serious risk of bodily harm to self or others.

## Section 411.115 Admission Processing and Case Management

- a) At the time of intake, children and youth shall be informed of the admission process, given an explanation of the facility and its program, introduced to staff on duty and to other children and youth in the unit, and assigned a Qualified Mental Health Professional (QMHP) or Licensed Practitioner of the Health Arts (LPHA).

- b) The facility intake processing of children and youth shall include at a minimum:

- 1) A determination that appropriate admission documentation is received;
- 2) A search of the child or youth and his or her possessions conducted in accordance with Section 411.195 of this Part;
- 3) An inventory documenting the receipt and disposition of personal property;
- 4) Shower, hair care, and pediculosis management, if necessary;
- 5) Issuance of clean, laundered clothing, as needed;
- 6) Issuance of personal hygiene articles;
- 7) Medical, dental, and mental health record assessment review;
- 8) Assignment to a residential unit. Housing assignments shall be non-discriminatory. Children and youth with disabilities shall be housed in a manner that provides for their safety and security and provides integration with the general population;
- 9) Recording of basic personal data and information to be used for mail and visiting lists;
- 10) Provision and explanation of written orientation materials, including clients' rights and grievance procedures, to the child or youth;
- 11) Identification of security concerns;
- 12) Identification of restrictions or special needs; and
- 13) Four photographs of the child's or youth's upper torso and head: one copy for the master record file; one copy for the medical file; one copy for the staff control room described in Section 411.600 of this Part; and one copy for the caseworker. Current pictures shall be updated when the child's or youth's appearance

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changes enough to make a positive identification difficult, but at least every 12 months.

- c) A preliminary treatment or rehabilitative plan shall be completed on the day of admission by a QMHP. The development of this plan shall be based upon the pre-admission clinical evaluation and a clinical interview at the time of admission. This plan shall be reviewed and approved by an LPHA or the medical director within 24 hours. The plan shall specifically address the following items:

- 1) precautions or special procedures that are to be fully implemented immediately after completion of the admission process and clinical interview with the QMHP;
  - 2) Presenting problems and chief complaint;
  - 3) History of risk behavior (e.g., suicide, assault, self mutilation, elopement, etc.);
  - 4) Initial treatment programming;
  - 5) Assignment of primary therapist or counselor (QMHP or LPHA);
  - 6) Restrictions;
  - 7) A copy of the pre-admission clinical evaluations attached to the preliminary plan; and
  - 8) If the child or youth is limited English-speaking or visually, hearing or speech impaired, the method of communication that will be used for the provision and delivery of services to the child or youth.
- d) If the child or youth is on psychotropic medication, any prescription and supply of medication shall be given to nursing staff.
- e) Within 24 hours following admission, the child or youth shall receive a physical examination conducted by a physician and follow-up routine medical care. Emergency medical care shall be provided immediately on an as needed basis. The secure child care facility shall verify on and/or assure that the child or youth is enrolled in the Department of Public Health's managed care system for children in the temporary custody or guardianship of DCFS.
- f) Within 72 hours following admission, the medical director or designated psychiatrist shall conduct a psychiatric examination of the child or youth.

## Section 411.120 Mental Health and Rehabilitative Services

- a) Within 3 days following admission, a service needs evaluation or rehabilitative assessment shall be completed to determine the child's or youth's mental health needs and treatment. The assessment shall include a face-to-face interview with the child or youth, and direct contact with persons having first-hand knowledge of the child's or youth's symptoms and/or maladaptive behavior that led to the admission. This assessment will also include, at a minimum:

- 1) Identifying information;
- 2) Extent, nature and severity of presenting problems;
- 3) Personal and family history, including the history of mental



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- illness in the family;
- 4) Cognitive functioning;
  - 5) History of mental health treatment;
  - 6) Present level of functioning, including social adjustment and daily living skills;
  - 7) Legal status of the child or youth;
  - 8) Level of education;
  - 9) Previous employment, acquired vocational skills and activities/interests;
  - 10) History of and/or current alcohol or chemical dependency;
  - 11) Previous and current psychotropic medications, last physical examination and any known medical problems; and
  - 12) Resource availability.
- The needs evaluation or rehabilitative assessment shall be reviewed and approved by the medical director.
- b) Within 5 days following admission, the master individual treatment or rehabilitative services plan (ITP or RSP) shall be developed by a secure child care facility multi-disciplinary team with participation of the child or youth, the parents and/or Guardian ad Litem, the caseworker, the Department gatekeeper, clinical staff from the pre-admission placement, and clinical staff from the post-discharge target placement. The ITP or RSP shall include the DSM-IV or ICD-9-CM diagnosis determined by the medical director or designated psychiatrist. The ITP or RSP shall include, at a minimum, the following information:
    - 1) Overall goals of treatment;
    - 2) Specific mental health or rehabilitative services to be provided;
    - 3) Goals and objectives (if an ITP);
    - 4) Expected outcomes;
    - 5) Frequency or duration;
    - 6) Responsible staff;
    - 7) Precautions for high risk behavior;
    - 8) Specialized behavior modification programming;
    - 9) Summary of physician orders (including medications); and
    - 10) Criteria for discharge and step-down to a non-secure living arrangement.
  - c) The secure child care facility shall notify the Department's Office of the Guardian in event that representatives of the pre-admission placement and targeted post-discharge placement fail to participate in the treatment and discharge planning process, including attendance at all staffings.
  - d) The ITP or RSP shall be reviewed during weekly staffings and modified if necessary. The assessment shall consist of a face-to-face interview with the child or youth and personal contacts with persons with first hand information about the child's or youth's behavior. The medical director or LPWA shall approve the ITP or RSP and any modifications, and such approval shall be documented in the client file.
  - e) Medicaid community mental health services (with the exception of

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- assessment and crisis intervention) shall be provided following the assessment and shall be consistent with the treatment or services plan. Services can only be provided by individuals possessing the required qualifications for each discrete service as defined by 59 Ill. Adm. Code 132 (Medicaid Community Mental Health Services Program). These services include:
- 1) Individual, Group or Family Therapy (ITP only);
  - 2) Psychotropic Medication Administration, Monitoring and Training (ITP only);
  - 3) Individual, Group or Family Counseling;
  - 4) Individual or Family Social Rehabilitation;
  - 5) Individual or Group Rehabilitative Stabilization;
  - 6) Developmental Rehabilitative Services;
  - 7) Client-centered or Rehabilitative Consultation;
  - 8) Intensive Family-based Services; and
  - 9) Case Management Services.
- f) Secure child care facilities are required to have a written plan of utilization review. Utilization review activities shall be ongoing on a quarterly basis and designed to assess through individual case review the appropriateness of:
- 1) Admission to Medicaid Community Mental Health Services;
  - 2) Intensity/level of services; and
  - 3) Continued services.
- g) In order to document mental health and rehabilitative services, the secure child care facility shall maintain a clinical record for each child or youth. The clinical record shall include:
- 1) Identifying information, including the child's or youth's preferred mode of communication and the communication requirements of any other persons involved in the child's or youth's case (i.e., parents, siblings, foster parents, etc.);
  - 2) Documentation of consent for mental health services;
  - 3) Assessment and reassessment reports;
  - 4) A current ITP or RSP, progress notes and reviews;
  - 5) Documentation concerning the prescription and administration of psychotropic medications;
  - 6) Documentation of missed appointments;
  - 7) Documentation of child or youth movement (referral or transfer) to or from the provider's programs or to or from other providers;
  - 8) Documentation to support services rendered for which reimbursement is claimed;
  - 9) Comprehensive services provided on a daily basis;
  - 10) Periodic reviews of child or youth progress;
  - 11) A record of the child's or youth's major accidents or incidents that occur at the site, and when the child's or youth's placement is terminated; and
  - 12) A discharge summary documenting the outcome of treatment.
- h) Secure child care facilities that serve children and youth who have been identified as sexually aggressive shall also provide specialized

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- 1) mental health services appropriate for treatment of sexual aggression. The secure child care facility shall comply with the Department's Medicaid billing system requirements as specified by the contract program plan.

**Section 411.125 Behavior Intervention Plans in Secure Child Care Facilities**

In accordance with 89 Ill. Adm. Code 384 (Discipline and Behavior Management in Child Care Facilities), the secure child care facility shall develop a behavior intervention plan that describes the policies and procedures concerning crisis intervention, behavior intervention techniques, and behavior management techniques. The behavior intervention plan shall be approved by the governing body of the secure child care facility and the Department.

**Section 411.130 Restrictive and Invasive Behavior Management Procedures**

A secure child care facility may incorporate seclusion and mechanical restraints in its behavioral management plan only when specifically approved in writing by the Director or designee. When a facility has obtained written approval for the use of seclusion and mechanical restraints, the facility shall immediately incorporate clear policies and procedures for utilization in its behavioral management plan. The plan shall clearly state that seclusion and mechanical restraint shall be used only as a therapeutic measure to prevent a child or youth from causing physical harm to self or others. The use of seclusion and restraint in secure child care facilities is governed by Sections 2-108 and 2-109 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/2-108 and 2-109].

The maximum length of time a child or youth can be ordered into seclusion or mechanical restraint is 2 hours. If further restraint or seclusion beyond the initial 2 hour limit is necessary, the medical director or designated physician must personally observe and examine the child or youth. Based upon this examination, the medical director or physician may order restraint or seclusion to continue for an additional 2 hour period. No child or youth shall be placed in restraint or seclusion for more than 4 hours during any 24 hour period.

**Section 411.135 Precautions for High Risk Behavior**

- a) The secure child care facility shall develop special precautions and procedures that shall be ordered by the medical director or registered nurse and implemented by staff when children or youth present high risk behaviors that could result in death or injury to the child or youth and/or other persons. Specifications for precautions shall be set out in the standardized Secure Child Care Facility Program Plan and shall address the following high risk situations/circumstances: suicide attempts, gestures, or ideation; self-hurtful (e.g., mutilation) behavior; assaultive behavior; elopement behavior; and sexual acting out.

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- b) Precautions for high risk behavior shall also specify:
  - 1) criteria for implementing special precautions;
  - 2) responsibilities of staff;
  - 3) communication from shift to shift and documentation requirements;
  - 4) criteria for discontinuation of the precautions for high risk behavior;
  - 5) levels of precaution intensity (e.g., close observation vs. suicide precautions); and
  - 6) criteria for determining if acute psychiatric hospitalization is indicated.
- c) All secure child care facility staff shall be fully trained and knowledgeable about the facility's precautions for high risk behavior.

**Section 411.140 Supervision of Children and Youth**

- a) Primary supervision of children and youth shall be provided by trained secure child care staff who shall work under the supervision of a registered nurse or a secure child care supervisor.
- b) The secure child care facility shall provide the following minimum shift coverage for children and youth residing in the facility:
  - 1) One child care staff must be present and on duty for every three children and youth (i.e., 1:3 ratio) while children and youth are awake and on the premises. This would include the day (7:00 a.m. to 3:00 p.m.) and evening (3:00 p.m. to 11:00 p.m.) shifts.
  - 2) For the night shift (11:00 p.m. to 7:00 a.m.), there shall be at least one child care staff for every five children and youth (i.e., 1:5 ratio). At no time shall there be less than two staff awake and on duty.
  - 3) At least one shift supervisor must be on duty during each shift.
  - 4) Unless the assigned shift supervisor is a Registered Nurse, a Registered Nurse must also be on duty during the shift.
  - 5) When both males and females are housed in the facility, at least one male and one female staff member shall be on duty at all times.
  - 6) Minimum shift coverage applies 7 days per week, including holidays.
- c) A verbal report shall be given concerning the status of all children and youth at shift change. A written shift note documenting the child or youth's progress shall be entered into each child's or youth's client file. All staff shall be made aware of special precautions and treatment programming that is to be implemented during their shift.
- d) Secure child care staff shall provide continuous supervision and monitoring of all children and youth at all times. Staff shall have continuous line of sight supervision whenever 2 or more children or youth are congregated. Special precaution orders for high risk behaviors shall supersede or supplement the requirement of this subsection.
- e) Written shift assignments and position descriptions that state the

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duties and responsibilities for each assigned secure care staff position in the facility shall be maintained. Shift assignments shall specify the basic monitoring and supervision requirements to assure safety and a therapeutic milieu. Special precaution assignments are always supplemental to the minimum requirement for supervision and monitoring provided in the secure child care facility.

- f) Secure child care staff shall be required to read and document their review of the appropriate shift assignment each time they assume a new position.
- g) The sleeping arrangements for children and youth shall be determined by the medical director or designated psychiatrist. All children and youth shall be placed in single occupancy bedrooms.

**Section 411.145 Psychiatric Hospitalization**

- a) If staff of the secure child care facility have cause to believe that a child or youth needs psychiatric hospitalization, the facility shall comply with requirements for the Department's Screening, Assessment, and Support Services (SASS) program for a pre-admission screening for psychiatric hospitalization. Secure child care facility staff shall assist SASS with the screening process and, if the child or youth meets the standard for admission, shall accompany the child or youth to the hospital.

- b) In high risk emergency situations, a child or youth may be transported directly to the hospital emergency room. The secure child care facility shall immediately notify SASS and the required screening will be conducted at the hospital.

- c) If the secure child care facility medical director or consulting physician and the SASS agent are in disagreement about the need for hospitalization, the medical director's or physician's recommendation shall be followed.

- d) Staff of the secure child's care facility will comply with all Department procedures concerning their responsibilities during the child's or youth's hospitalization, and for discharge, transition and post-hospital services.

**Section 411.150 Authorization for Continued Placement**

- a) The Director or designee may issue one or more written authorizations for continued placement in secure care on behalf of a child or youth who has resided in secure care for more than 60 days and who continues to require a secure care placement. Each such authorization shall be issued in increments not to exceed 30 days.
- b) Prior to authorizing continued placement, the Department shall obtain a clinical evaluation of the child or youth by an independent examiner to determine whether:
  - 1) The child or youth meets the requirements established by the Department for admission to a secure child care facility;

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- 2) The child's or youth's response to treatment has not resulted in clinical stabilization and/or a reduction of symptoms associated with the child's or youth's presenting problems sufficient to safely move the child or youth to a non-secure placement;
- 3) The child or youth continues to present a serious risk of bodily harm to self and/or others;
- 4) The child or youth continues to have a mental illness or emotional disturbance consistent with DSM-IV diagnostic criteria; and
- 5) All less restrictive placements and treatment alternatives have been ruled out as inappropriate to meet the child's or youth's clinical and safety needs.
- c) Continued placement in a secure child care facility is limited to children and youth who are less than 18 years of age, who are subject to placement under the Children and Family Services Act and who are not subject to placement in a correctional facility operated pursuant to Section 3-15-2 of the Unified Code of Corrections (730 ILCS 5/3-15-2).
- d) The Department shall not authorize continued placement of a child or youth in a secure child care facility if a court review of the placement is not conducted within 60 days after initial placement, as required by Section 2-27.1 of the Juvenile Court Act of 1987 (705 ILCS 405/2-27.1).

**Section 411.155 Discharge Planning Requirements**

- a) Discharge planning shall begin on the day of admission to the secure child care facility, and shall be included as a primary component of the master individual treatment plan (ITP) or rehabilitative services plan (RSP) described in Section 411.120(b) of this Part. Subsequent discharge staffings shall be conducted no less frequently than every 30 days and shall include the participants required in Section 411.120(b). If the target discharge placement is a community-based living arrangement, a representative of the Child and Adolescent Local Area Network Child and Family Team shall also attend the discharge staffings.
- b) Criteria for assessing readiness for discharge shall be cessation or reduction of the symptoms and/or maladaptive behavior that led to the admission. Improvement shall be tied to reduction of risk issues presented by the child or youth and stabilization in the secure child care facility.
- c) Continued placement in a secure child care facility is limited to children and youth who are less than 18 years of age, who are subject to placement under the Children and Family Services Act and who are not subject to placement in a correctional facility operated pursuant to Section 3-15-2 of the Unified Code of Corrections (730 ILCS 5/3-15-2).

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**Section 411.160 Recreation and Leisure Time Activities**

- a) The facility shall have a recreation worker who directs and supervises all recreation programs required in the program plan. Recreation workers shall have a bachelor's degree and the capacity to accept supervision and to work cooperatively with other staff and a variety of persons external to the program. Recreation workers shall demonstrate an ability to assess and meet the recreation and activity needs of the children.
- b) Children and youth shall be granted access to recreational opportunities and equipment that are appropriate for their age, maturity, and physical development, including outdoor exercise when the climate, medical, and safety and security concerns permit. Cold temperatures, snow and rain, alone, are an insufficient basis to deny outdoor exercise.
- c) A variety of fixed and movable equipment shall be provided for indoor and outdoor recreation suitable for the security requirements of the children and youth being served. Care shall be taken to limit access to potential weapons. Staff shall maintain line of sight supervision of all activities. Contact sports shall not be permitted. Medical screening shall govern child and youth participation.
- d) Recreation and leisure-time shall be provided for at least one hour per day of large muscle activity and one hour of structured leisure-time activities, except for limitations imposed by the secure child care facility director on a limited basis. Each child or youth shall be offered at least one hour of access to outdoor exercise areas daily. Cold temperatures, snow and rain, alone, are an insufficient basis to deny outdoor exercise. Limitations shall be based on medical, administrative, or safety or security concerns and require the approval of the child's or youth's caseworker.

**Section 411.165 Educational Services**

- a) The facility shall establish a written plan governing the facility's 12-month full time (as defined by the Illinois State Board of Education) academic, vocational education, and work training programs for children and youth residing in the secure care facility, including program accreditation, staff certification, coordination with other facility programs and services, and planning for continuing care and release to a less restrictive educational setting.
- b) There shall be a comprehensive individual program for each child or youth based on his or her need that may include, but is not limited to: developmental education; remedial education; special education; multi-cultural education; bilingual education; and, when the child's or youth's profile indicates, an adaptive physical education and tutorial service.

1) The facility program shall ensure that:

- A) Each child or youth is evaluated, staffed, and placed in an

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- a) appropriate grade and program with an individualized educational plan; and
- b) There is periodic evaluation of each child's or youth's progress and needs. The facility shall ensure that each child or youth has available to him or her the necessary school supplies, textbooks, materials, and equipment to support the learning tasks.
- 2) Each child or youth may participate in an approved program of cooperative work training and life skills development. Such programs may include household tasks and facility cleaning and maintenance appropriate to the child's or youth's age and skill level. No child or youth shall be permitted to do tasks that are hazardous or dangerous or that risk harm to the child or youth. All work shall be under continuous staff supervision. The program plan shall include a description of the approved program of cooperative work training and life skills development. The secure child care facility shall hire and maintain sufficient staff to perform household, cleaning and maintenance tasks. The facility may not order work to be performed by children or youth in lieu of hiring or replacing staff.
- 3) These programs shall comply with applicable federal and State laws and with the requirements and standards established by the Illinois State Board of Education. The operation of the school shall be by a public or private Board of Education that conducts a system of schools at the elementary or secondary grade level or both. Children and youth shall receive academic and vocational credits for educational achievement that can be transferred to schools in the community and diplomas shall be awarded by the school system having jurisdiction.
- 4) Teachers employed in the facility's educational programs that offer academic credit shall meet the requirements of the Illinois State Board of Education, including appropriate certification.
- 5) Vocational supervisors, tutorial instructors, school psychologists, social workers, school nurses, aides, librarians, and administrators shall have licensure or State certification appropriate to the grade level served, the educational status of the children or youth, and the curriculum.

**Section 411.170 Religious Programs**

- a) The religious beliefs and rights of children and youth shall be legally protected.
- b) Subject to concerns regarding safety, security, rehabilitation, and institutional order, each child or youth shall have reasonable opportunity to pursue spiritual development and/or religious instruction of his or her own faith, or that of his or her parents including baptism or confirmation, unless there is written consent of the parent or guardian (if residual parental rights have been legally



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- terminated) for the child or youth to participate in religious instruction of another faith. Space shall be available for the observance of religious activities. Schedules for religious services shall be made available to all children and youth.
- c) Children and youth shall be permitted to participate in religious services either singularly or in groups.

## Section 411.175 Client Files

- a) A master record file shall be established and maintained on a current basis for each child or youth.
- b) The master record file shall include, at a minimum, the following applicable information: the child's or youth's name, age, sex, place of birth, and race or nationality; initial intake information, form, including documented reasons for admission to the secure child care facility; current photographs of the child or youth; case and social history; medical consent form; name, relationship, addresses and phone numbers of parents, guardians, and significant others; driver's license, social security, department record and Medicaid numbers; court records, individual treatment plan and program goals; signed release of information forms, where required; progress reports; program rules and disciplinary policy signed by the child or youth; disciplinary and grievance records; referrals to other agencies; discharge report; visitors list; Guardian ad Litem and/or attorney of record; administrative case review documentation; and child or youth-related correspondence. Health and educational records are also considered part of the child master record file, but may be maintained in separate locations.

- c) Master record file entries shall be dated and the source of the information and the author of the entry shall be identified.
- d) Master record files are confidential and shall be safeguarded from unauthorized and improper access, disclosure, and loss. Access to computerized records shall be controlled and restricted on a need-to-know basis. Security measures shall be taken to ensure the integrity and confidentiality of any computer record.
- e) Whenever a child or youth is discharged from the secure child care facility, a copy of the child or youth master record file, including individual medical and educational records, shall be provided to the child's or youth's caseworker.
- f) The licensing representative and the child's or youth's caseworker shall have access to master record files upon request. Disclosure of child or youth master record file material to others is subject to procedures outlined in 89 Ill. Adm. Code 421 (Confidentiality of Personal Information of Persons Served by the Department) and Section 411.300 of this Part.

## Section 411.180 Security Procedures

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- a) The secure child care facility shall maintain a security manual that, at a minimum, shall contain policies and procedures related to: counts, child or youth movement, transportation, contraband control, facility inspection, child, youth and visitor searches, security post descriptions, escape, and emergency plans; use of force, use of restraints and behavioral management and intervention techniques, control of caustic, flammable and toxic materials, facility program schedule, classification policies, discipline, confinement, key and tool control, mail, visits, use and storage of security equipment, crisis instructions and suicide prevention, investigations, and reporting of unusual incidents. The facility shall have the security manual readily available for inspection upon request by the Department.
- b) The staff control room, described in Section 411.600 of this Part, shall serve as the facility command and communication center and may serve as the point of issue for facility keys and security equipment.
- 1) The facility shall have a communication system between the control room and all children's and youths' living, activity, and program areas. This may include an intercom or closed circuit television system.
- 2) The control room may also serve as the point of control of the fire alarm system, staff and visitor sign-ins, and mail.
- c) The facility's perimeter shall be controlled by appropriate means to ensure children and youth remain within the facility perimeter and to prevent access by the general public without proper authorization.
- d) The facility shall prohibit any children or youth, or group of children or youth, from having control or authority over other children or youth.
- e) Staff shall control children's and youth's access to all areas of the facility.
- f) Access to supplies shall be determined by the secure child care facility director based on operational needs.
- g) The shift supervisor shall conduct a security inspection each shift of all areas within the facility occupied by children and youth. All other areas and security devices shall be inspected by designated staff each week.
- 1) The supervisor shall document in the shift log that he or she conducted the security inspection of all areas within the facility occupied by children and youth during the shift and the results of that inspection.
- 2) The weekly inspection reports shall be submitted to the facility director on report forms that contain, but are not limited to:
- A list of all items or areas to be inspected and an indication that each item or area was inspected;
  - Any deficiency detected;
  - The name of the staff conducting the inspection;
  - Whether the inspection is a shift or weekly inspection; and
  - The date and time of the inspection.



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- 3) Areas or items to be inspected daily and included in the weekly report shall include, but not be limited to:
- A) Living and activity areas;
  - B) Yard and open areas;
  - C) Walls, fences, and all perimeter areas;
  - D) Windows and screens;
  - E) Grilles;
  - F) Doors and locks;
  - G) Vent ducts;
  - H) Walls and ceilings;
  - I) Tunnel entrances;
  - J) Video systems; and
  - K) Metal detectors.
- h) Unusual incidents shall be reported in accordance with Section 411.500 of this Part. Persons injured in an incident shall be provided with immediate access to medical services.
- i) Contraband shall be prohibited within the facility.
- j) The facility shall establish a log to record in sequential chronological order all actions that result in the placement of a child or youth on room restriction, time-out restriction to his or her room for purposes of regaining control, placement in locked seclusion, placement on suicide precautions, or use of physical or mechanical restraint. The log shall include the date, name, type of action, time action was imposed, time action was withdrawn, the reason, and authorizing staff name. All entries shall be signed and dated. The log shall serve as the central register for all actions taken to address mental health issues, suicidal behavior, or behavior modification plans. Logs shall be retained for at least two years.
- k) Routine information, emergency situations, and unusual incidents that occur on each shift shall be recorded in a permanent bound shift log.
- 1) All log entries shall be dated and signed by the person responsible for the entry.
  - 2) The log shall be reviewed and the review acknowledged by each succeeding shift supervisor.
  - 3) Shift logs shall be retained for at least two years and shall be available for inspection by the Department.

**Section 411.195 Child Counts and Youth Counts**

- a) The secure child care facility shall develop a system for physically counting each child or youth at the start, approximately in the middle, and end of each shift. The system shall include strict accountability for all children and youth assigned to the facility, including all children and youth present at the facility, all children and youth on authorized absence, all children and youth released for any reason, and all children and youth discharged from the facility during each shift.
- b) A formal record of these counts shall be made and signed by the shift

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- c) supervisor prior to the end of his or her shift.  
Counts shall be reconciled daily with the official record of all admissions to and discharges from the facility.

**Section 411.190 Child and Youth Movement**

- a) Staff shall regulate and supervise all child and youth movement.
- b) The facility shall establish a written plan that governs the transportation of children and youth outside the secure child care facility. The facility shall have the plan readily available for inspection upon request by the Department.
- 1) It is the responsibility of the facility to provide secure transport of children and youth and to ensure vehicles operated comply with applicable motor vehicle laws, including insurance and inspection requirements.
- 2) Staff must have a valid driver's license and operate vehicles in accordance with applicable motor vehicle laws while on duty.
- 3) The Department must approve any security modifications to vehicles that include addition of security screens, plexiglass partitions or window borders, or other modifications.

**Section 411.195 Searches for and Control of Contraband**

- a) The facility shall develop a written plan that governs searches for contraband materials, and clearly describes the facility's policies concerning searches of the children or youth, their property, their rooms, and the possessions of visitors. The plan shall be approved by the Department. At a minimum, facilities shall conduct the following searches:
- 1) search of the child's or youth's property at the time of initial admission to the secure child care facility;
  - 2) search of the property of all visitors along with continuous observation;
  - 3) search of children's or youth's bedrooms if contraband is suspected.
  - b) Body cavity searches and strip searches for contraband are prohibited.
  - c) Body inspections may be ordered by the medical director to determine if a child or youth is engaging in self-mutilation or other serious self-destructive behavior hidden by the child's or youth's clothing. This procedure shall be conducted in private by 2 trained staff members of the same sex as the child or youth and shall be documented in an unusual incident report.

**Section 411.200 Criminal Violations**

- a) The secure child care facility shall develop a plan for assessing incidents involving alleged violations of criminal law to determine whether the involvement of law enforcement officials is appropriate or

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- whether the behavior should be managed therapeutically within the facility.
- b) The facility shall file an unusual incident report when an alleged violation of criminal law occurs, whether or not law enforcement officials are involved.

**Section 411.205 On-site Inspection of Programs, Security, and Operations**

- a) Prior to recommending issuance of a license, the site of a proposed secure child care facility shall be inspected by licensing representatives.
- b) On-site reviews of programs, security, and operations shall be completed by the licensing representative prior to recommending issuance of a license and at least annually thereafter.
- c) Authorized representatives of the Department shall be admitted to the secure child care facility during the hours of operation for the purpose of determining compliance with the Child Care Act of 1969 (225 ILCS 10) and standards set forth in this part.
- d) Authorized representatives of an independent monitor appointed by the Department shall be admitted to the secure child care facility during the hours of operation for the purpose of evaluating the care and treatment provided to children and youth placed in the facility. In addition, the independent monitor shall review and assess outcome measures and critical events, including but not limited to:
- 1) Length of stay of all children and youth;
  - 2) Successful step-down to non-secure programming within 30 days or, alternatively, within 60 days;
  - 3) Psychiatric hospitalizations;
  - 4) Unauthorized absences (runaway);
  - 5) Unplanned discharges;
  - 6) Utilization of restrictive procedures;
  - 7) Unusual incident reports;
  - 8) Restriction of rights notification and implementation;
  - 9) Injuries to children or youth and staff;
  - 10) Stability of post-discharge placement; and
  - 11) Grievances.

## SUPPORT D: CLEWT RIGHTS

**Section 411.300 Client Rights and Confidentiality**

- a) The legal rights of children and youth shall be protected in accordance with Chapter 2 of the Mental Health and Developmental Disabilities Code [405 ILCS 5].
- b) The confidentiality of records for children and youth placed or residing in secure child care facilities shall be governed by the Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110].

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- c) Staff of the secure child care facility shall inform children and youth, in writing, of:
- 1) Their rights in accordance with subsections (a) and (b) of this Section;
  - 2) Their right to contact protection and advocacy agencies such as the Guardianship and Advocacy Commission and Equip for Equality, Inc., their attorney, Guardian ad Litem, foster parents, and/or parents. Staff shall offer to assist children and youth in contacting these groups or individuals, and shall give each child or youth the address and telephone number of the Guardianship and Advocacy Commission and Equip for Equality, Inc.; and
  - 3) Their right to contact the Department.
- d) The facility shall develop and implement a written plan of action describing how the facility will address the communication requirements of each child or youth and family in their preferred mode of communication. The plan shall address oral and written communication, as well as alternative modes of communication for the visually, hearing and speech impaired.
- 1) The facility shall assure that all written materials available for English-speaking clients are either available in each individual client's preferred mode of communication or are translated orally to the client in his or her preferred mode of communication. Copies of translated documents and documentation of oral translations shall be placed in the client file.
  - 2) The information in subsection (c) of this Section shall be explained using the child's or youth's preferred mode of communication and documentation of the explanation shall be placed in the client file.
  - 3) Justification for restriction of client rights under the statutes cited in subsections (a) and (b) of this Section shall be documented in the client file. In addition, the child or youth affected by such restriction, the parents, attorney, Guardian ad Litem, the Guardianship and Advocacy Commission, and any agency designated by the client pursuant to subsection (c)(2) of this Section shall be notified of the restriction.
  - 4) Every child and youth shall be free from all forms of abuse and neglect, including physical, emotional, medical, etc.
  - 5) Children and youth, their parents and/or guardians may appeal service decisions made by staff of the secure child care facility through the grievance appeal process (89 Ill. Adm. Code 337), through a formal grievance procedure established by the secure child care facility, or both. If a secure child care facility establishes a formal grievance procedure, the procedure shall require the facility to document all grievances, and service appeals, and all responses thereto, in the client file, and provide a copy to the Director of the Department. All grievances unresolved by the facility director shall be referred to the Director of the Department for resolution. The Director's decision shall constitute a final administrative decision and shall be

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- subject to review in accordance with the Administrative Review Law [735 ILCS 5/Art. III].
- b) Children and youth shall not be denied, suspended or terminated from services or have services reduced for exercising any of their rights.

**Section 411.305 Objections to Admission**

At any time during a child's or youth's placement in a secure child care facility, an objection may be made to that placement by the child or youth, the parents (except where parental rights have been terminated), Guardian ad litem, or attorney. When an objection is made, the child or youth shall be discharged at the earliest appropriate time not to exceed 15 days, including Saturdays, Sundays, and holidays, unless the objection is withdrawn in writing or, unless, within that time, the Director or designee files with the court a petition for review of the admission in accordance with Section 2-27.1 of the Juvenile Court Act [705 ILCS 405/2-27.1].

**Section 411.310 Mail**

- a) The facility shall develop a written plan governing correspondence to and from children and youth that shall be made available to all staff and each child and youth. The plan shall be reviewed annually and updated as needed.
- b) The written plan shall grant children and youth the right to communicate or correspond with persons or organizations subject only to the limitations necessary to maintain facility order and security or to comply with victim access restrictions.
- c) The volume of mail received shall not be restricted.
- d) All outgoing mail shall be clearly marked with the child's or youth's name.
- e) Unlimited mail may be sent when the child or youth bears the mailing cost.
- f) Each child or youth may send at least 5 first class letters weekly in the United States at the facility's expense.
- g) All cashier's checks, money orders, cash, and checks or other funds received by a child or youth through the mail shall be deposited in the child's or youth's account in accordance with Section 411.510 of this Part.
- h) Incoming letters shall be delivered unopened within 24 hours after receipt and packages shall be delivered within 48 hours after receipt, excluding weekends and holidays. Outgoing letters shall be mailed within 24 hours. The written plan shall address when, and under what limited circumstances, staff may open incoming letters or packages addressed to the child or youth. Any decision to open mail or packages must be based upon a safety concern documented in the child's or youth's record and must be approved by the facility director. In addition, the child or youth affected by the restriction, and the child's or youth's parents, attorney, and Guardian ad litem, shall be

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- notified of the restriction.
- i) First-class letters and packages shall be forwarded after children or youth are transferred.
  - j) The facility plan regarding access to publications shall include: the mechanisms whereby publications may be received; the publication screening and review procedures; the criteria for the prohibition of publications; and the requirement that the children or youth be provided with a written explanation of why the publication was denied. The facility shall prohibit any publications that the secure child care facility director determines to be obscene according to the definition of obscenity established by the United States Supreme Court or to be a clear and present danger to the physical safety and security of persons and property within the facility.
  - k) A child's or youth's correspondence to and from his or her attorney shall be confidential.
  - l) The facility shall not deny a child or youth the right to correspond in writing in his or her preferred mode of communication.

**Section 411.315 Telephones**

Children and youth shall be allowed the opportunity to place telephone calls to siblings, parents or caregivers in accordance with visiting plans established by their caseworkers. Policies for receiving and monitoring of telephone calls shall be included in a written plan. The facility shall not prohibit a child or youth from conversing on the telephone in his or her preferred mode of communication. A child's or youth's telephone conversation with his or her attorney shall be confidential and shall not be monitored.

**Section 411.320 Visits**

- a) The facility shall permit visitation with children and youth in accordance with visiting plans established by each child's or youth's caseworker, subject to the limitations necessary to maintain facility order and security.
- b) Visitors shall be identified on visiting lists approved by the secure child care facility director. The child's or youth's caseworker shall provide, in writing, any names of persons restricted from visiting the child or youth.
- c) The facility's visiting area shall provide for informal communication, including the opportunity for physical contact.
- d) Searches of visitors and children or youth, restrictions on visitors bringing in personal items, and circumstances under which the visit shall be supervised shall be included in the plan. If a visit is supervised, the facility shall not deny the child or youth the right to converse with visitors in his or her preferred mode of communication. The facility's plan for supervised visits must require the attendance of a professional staff member with the ability to communicate in the child's or youth's preferred mode of communication.

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- e) All visiting regulations shall be made available to all persons on the child's or youth's visitors list.
- f) Restrictions applying to visits shall be posted in the visiting area and defined.
- g) The facility's plan shall include procedures governing visits by special persons such as guardian ad litem or attorney, caseworkers and individuals of other social agencies.
- h) Visitors shall register upon entry into the facility. Proof of identification and a record of each visit, including the visitor's name, date and time of visit, address, and relationship, shall be kept for each child and youth and be returned to the master record file at time of discharge.
- i) The denial of visitation must be based on documented security concerns related to conduct of children, youth or visitors during visits or that involve issues related to safeguarding the children or youth from visitor abuse. The denial of visitation must be documented in the child's or youth's record and reported to the caseworker.

## SUBPART E: PERSONNEL AND STAFFING REQUIREMENTS

## Section 411.400 Background Checks for Personnel

The secure child care facility shall require all persons subject to background checks, as defined in 89 Ill. Adm. Code 385.20, to furnish written information regarding any criminal convictions, to submit to fingerprinting and to authorize the background checks required by 89 Ill. Adm. Code 385 (Background Checks).

## Section 411.405 Administration

- a) The facility and its programs shall be managed by a facility director to whom all employees or units of management are responsible. When the facility director is unable to be on the premises, the facility director shall designate an administratively responsible person to be on the premises, as required in Section 411.435 of this Part.
- b) The facility shall maintain written qualifications and a description of the authority and responsibilities of the facility director.
- c) An updated table of organization of the facility shall be maintained that groups functions, services, and activities into administrative subunits.
- d) Where direct care services to facility children and youth are contracted, the contract shall require the direct child care services contractor to comply with all department rules and regulations. The role and functions of employees of the contracted agencies as they relate to facility treatment, programming, operations, and security shall be covered by a written plan. The plan shall be updated as needed. The facility director shall submit the plan to the licensing representative for review and approval at least annually. Contractual

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- employees must meet the requirements set out in this Part for the positions or duties they assume within the secure child care facility. The governing body shall review and approve written policies of the facility that shall be disseminated to all members of the governing body, employees, volunteers and the licensing representative. Policies shall include, at a minimum, the policies and procedures for the operation and security of the facility, the maintenance of a drug-free and smoke-free workplace, admissions, personnel policies, fiscal operations, the supervision, care, and treatment of children and youth, and other policies as needed to direct the facility, such as family visitation, community contacts with children and youth, and the functions of the facility director.
- f) The facility shall establish a written quality assurance plan to assess treatment and program services to children and youth, and an internal audit plan to determine compliance with facility policies and standards contained in this Part. These plans shall include the frequency, scope, content, and administrative reviews and responses required. Copies of all assessment and review documentation shall be available to the Department.
- g) The secure child care facility shall carry public liability insurance in the single limit minimum amount of \$300,000 per occurrence.
- h) A complete and current set of licensing standards shall be available at all times in an area that is accessible to all employees.

## Section 411.410 Personnel

- a) A personnel manual shall be established and made available to staff that includes at a minimum:
  - 1) An explanation of the requirements for pre-employment background checks of applicants;
  - 2) A facility organizational chart;
  - 3) Staff development, including orientation and in-service training and professional continuing education;
  - 4) Insurance and professional liability;
  - 5) Standards of conduct for employees;
  - 6) Drug-free and smoke-free workplace policies; and
  - 7) Work rules.
- b) Each employee, volunteer, and intern shall be required to sign a statement acknowledging access to and knowledge of the personnel policies and his or her responsibility for complying with them.
- c) Staffing of personnel shall be sufficient to ensure:
  - 1) Continuous and effective supervision of children and youth, as required by this Part, is maintained at all times;
  - 2) Children and youth have adequate access to staff, programs, and services; and
  - 3) The safe and secure operation of the security systems and physical plant.
- d) The facility shall comply with all federal, State, and local laws



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regarding equal employment opportunities.

- e) The facility shall provide a mechanism to process requests for reasonable accommodation of the known physical or mental impairments of a qualified individual with a disability. The accommodation need not be granted if it would impose an undue hardship or a direct threat to the health or safety of the individual or others that cannot be reduced or eliminated by reasonable accommodation.
- f) All temporary or "acting" appointments are subject to the same standards as permanent employees.
- g) A background check shall be conducted, prior to employment, appointment, or service, on all applicants, volunteers, or other persons who will have contact with children and youth.
- h) The facility shall establish a drug-free and smoke-free workplace plan that shall be reviewed at least annually. The plan shall:
  - 1) Require pre-employment testing for the presence of illegal or controlled substances;
  - 2) Prohibit smoking, the use of illegal substances or misuse of controlled medications;
  - 3) Prohibit possession of any illegal substance;
  - 4) Require testing for substance abuse based on reasonable suspicion;
  - 5) Provide availability of treatment or counseling for substance abuse; and
  - 6) Set out the penalties for violation of the plan.
- i) Employee performance shall be reviewed annually based on a written job description and the results shall be discussed with the employee and placed in the employee's personnel file.
- j) The facility shall maintain a current, accurate, and confidential personnel record on each employee, volunteer, and intern. Information obtained as part of a medical examination (see Sections 411.460 and 411.720) or inquiry regarding the medical history or condition of an applicant or employee shall be collected and maintained in a separate confidential medical record. Representatives of the Department shall have unrestricted access to employee, volunteer and intern personnel files for any purpose, including compliance auditing, investigations, and administrative supervision.
- k) Facility staff shall be provided with a photo-identification card or badge (ID). The ID shall be worn at all times while on duty.
- l) Employees shall be prohibited from using their official positions to secure privileges for themselves or others and from engaging in activities that constitute a conflict of interest or violation of written standards of conduct.
- m) Employees, volunteers, interns, consultants, and contractual personnel who work with children and youth shall be informed in writing about the facility's policies on confidentiality of information and agree in writing to abide by them.

## Section 411.415 Volunteers and Interns

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- a) If the secure child care facility accepts volunteers and/or interns, the facility shall maintain a plan for the recruitment, screening, selection, training, and operating procedures for a volunteer and/or intern program. The lines of authority, responsibility, and accountability for the facility's volunteer and/or intern program shall be identified. The secure child care facility may use volunteers and staff from other programs of a child care institution or child welfare agency operating on the campus where the secure child care facility is located for positions required in this Part. Volunteers and staff must meet the requirements set out in this Part for the positions or duties they assume within the secure child care facility.
- b) Volunteers and interns are subject to background investigations in accordance with 89 Ill. Adm. Code 385 (Background Checks).
- c) A staff member shall be designated to coordinate and operate a volunteer and internship program for the benefit of children and youth placed in the facility.
- d) An official registration and identification system shall be maintained for all volunteers and interns.
- e) Volunteers and interns may perform professional services only when they are certified or licensed to do so.
- f) Volunteers and interns shall be required to agree in writing to abide by all facility policies and applicable employee standards, particularly those relating to security, confidentiality, ethics, and standards of conduct.

## Section 411.420 Requirements of Professional Staff

All professionals shall be qualified in their field and licensed in compliance with statutory requirements.

## Section 411.425 Facility Director

- a) The facility director is the individual designated by the governing body to carry out established policies and procedures and the day-to-day management of the secure child care facility.
- b) The facility director shall have at minimum:
  - 1) a master's degree from an accredited school of social work and three years work experience with children or youth, at least two of which were in institutional or other residential group care of which were in institutional or other residential group care programs, and at least an additional two years of administrative experience; or
  - 2) a master's degree in a human services field from an accredited school and three years work experience with children or youth, at least two of which were in institutional or other residential group care programs, and at least an additional two years of administrative experience.
- c) If the facility director is to be on leave for more than one month or



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has left prior to a replacement, the Department shall be notified of the name of the person appointed as acting facility director. The acting facility director shall have the qualifications of a facility director set out in this Section.

**Section 411.430 Medical Director**

The medical director of a secure child care facility shall be a psychiatrist who has a minimum of two years experience working with children and/or adolescents. The medical director shall direct all psychiatric and treatment services and shall be knowledgeable about the care of each child and youth currently residing in the secure child care facility. The medical director shall:

- a) Oversee all medical and psychiatric services;
- b) Conduct or approve psychiatric examinations of all children and youth in the secure child care facility;
- c) Assure that all physician's orders are documented in the client files;
- d) Attend or provide clinical oversight for all clinical staffings (multi-disciplinary teams) and treatment planning and review meetings; and
- e) Conduct a weekly scheduled meeting with each child and youth and be knowledgeable about all children and youth residing in the secure child care facility.

**Section 411.435 Administrative Coverage**

The secure child care facility shall not be operated at any time, or under any circumstances, without a properly designated, administratively responsible person on the premises. The designated administratively responsible person may be the medical director, LPBA, QMHP, or registered nurse (RN).

**Section 411.440 Secure Child Care Staff**

Secure child care staff shall have the following minimum qualifications:

- a) Be at least 21 years of age or older;
- b) Hold a bachelor's degree in the field of social work or human services;
- c) Demonstrate the capacity to accept supervision within the secure child care program and relate constructively to authority;
- d) Demonstrate skill in working with and managing children and youth of the type served in the secure child care program; and
- e) Demonstrate ability to work cooperatively with other staff and a variety of persons external to the program, including representatives of other facilities, agencies, and parents of the children and youth.

**Section 411.445 Secure Child Care Supervisors**

Secure child care supervisors shall meet the qualification requirements of a

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Mental Health Professional (MHP), RN, or QMHP and shall also have the following minimum qualifications:

- a) Be at least 25 years of age;
- b) Hold a bachelor's degree in the field of social work, human services or nursing;
- c) Have five years work experience with children or youth, two of which were in secure institutional or other residential group care programs, and an additional one year of administrative experience;
- d) Demonstrate skill in working with and managing children and youth of the type served in the secure child care program; and
- e) Demonstrate ability to work cooperatively with other staff and a variety of persons external to the program, including representatives of other facilities, agencies, and parents of the children and youth.

**Section 411.450 Rehabilitative Services Treatment Staff**

All mental health and rehabilitative services delivered to children and youth in secure child care facilities shall be provided by the appropriate qualified staff, set out below, in accordance with the requirements set forth in 59 Ill. Adm. Code 132 (Medicaid Community Mental Health Services Program):

- a) Physician;
- b) Licensed Practitioner of the Health Arts (LPBA);
- c) Qualified Mental Health Professional (QMHP);
- d) Mental Health Professional (MHP); or
- e) Registered nurse (RN).

**Section 411.455 Medical and Nursing Staff**

Consulting physician.

- 1) Secure child care facilities shall have a consulting physician available to perform admission physicals within 24 hours following admission.
  - 2) The consulting physician shall provide on-site medical care and follow-up to address physical health issues and concerns.
- On-site coverage by registered nurses shall be available on a 7 day per week, 24 hour basis.

**Section 411.460 Health Requirements for Staff and Volunteers**

- a) All staff members shall have an initial medical examination that provides evidence that they are free of communicable diseases, including active tuberculosis, or physical and mental conditions that affect their ability to perform assigned duties.
- b) Staff shall be re-examined at least once every two years. In subsequent examinations, testing for active tuberculosis may be omitted unless recommended by the examining physician.
- c) Cooks, kitchen helpers and others assisting in the preparation, serving and handling of food and cooking/serving utensils shall make

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- their positions known to the examining physician, and shall comply with the current rules and regulations of the Illinois Department of Public Health pertaining to Food Service Sanitation [77 Ill. Adm. Code 750].
- d) The above requirements are applicable to volunteers who have direct contact with children and youth.

**Section 411.465 Training and Staff Development**

- a) The facility shall establish a staff development and training program for all categories of personnel including continuing education requirements. The facility's staff development and training program shall be planned and coordinated by the facility director and shall be reviewed and updated annually.
- b) The training plan shall include the method of documentation of training scheduled and completed including: the date, training topic, trainer, curriculum, hours of credit, and, if continuing education credits or certificates were issued, any grades, scores, or other measures of completion.
- c) All new employees shall receive at least three work days of orientation training before undertaking their assignments. This training shall include at a minimum: orientation to the purpose, goals, policies, and procedures of the facility; working conditions and regulations; employees' rights and responsibilities; and an overview of the juvenile court system. It shall include instructions related to the employee's job duties and responsibilities, including staff requirements to recognize and report suspected child abuse or neglect, how to make a child abuse or neglect report, legal rights of children and youth, and the legal protection afforded to persons who report violations of licensing standards.
- d) All administrative, managerial, and professional staff shall receive 40 hours of professional training in addition to the orientation training during their first year of employment and 40 hours of training each year thereafter. At a minimum, this training shall include: general management; juvenile law; labor relations; treatment modalities; security plan and practice; relationships with other service agencies and professionals; and, where applicable, continuing education units.
- e) All direct child care staff shall receive 120 hours of training during their first year of employment and an additional 40 hours of training each year thereafter. At a minimum, this training shall include: program and treatment modalities; crisis intervention procedures and techniques; security procedures, systems, and methods of supervision of children and youth; signs of suicide risks and suicide precautions; physical intervention and restraint; report writing; children's and youth's rules of conduct; disciplinary techniques; grievance procedures; rights and responsibilities of children and youth; fire safety and inspection; fire escape and emergency procedures; safety

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- procedures; key and tool control; interpersonal relations; social and cultural life styles of the child and youth population; cultural competency; communication skills; first aid, Heimlich maneuver and CPR; counseling techniques; behavior management techniques and behavioral interventions; body inspections; and standards of conduct.
- f) All part-time staff, volunteers, interns, and contractual personnel shall receive formal orientation appropriate to their assignments and additional training corresponding with their assigned duties within the secure child care facility.

## SUBPART F: RECORDS AND FISCAL MANAGEMENT

**Section 411.500 Reports and Correspondence**

The following reports or documents shall be forwarded to the Department as specified:

- a) Immediate Reports  
The facility director shall submit a written report to the licensing representative within 3 days after the date of either or both of the following:
- 1) Any personnel transactions, including positions vacated and filled, and the total staff headcount.
  - 2) Any change in, or change in status of, any of the licensing and application requirements in Section 411.45(b) of this Part.
- b) Quarterly Reports  
The facility director shall submit a written quarterly report to the licensing representative that includes, but is not limited to, copies of the following information for the reporting period:
- 1) A synopsis of any internal audits conducted during the quarter;
  - 2) A summary of staff training conducted during the quarter;
  - 3) Any significant programmatic concerns or issues;
  - 4) Any significant changes to the projected budget;
  - 5) Reports of all fire and other emergency and disaster drills conducted during the quarter;
  - 6) Reports of all inspections conducted by outside agencies, including, but not limited to, the State Fire Marshal, the Department of Public Health, and independent fiscal auditors;
  - 7) Weekly inspection forms, as required in Sections 411.180, 411.630, 411.700, and 411.705 of this Part, that report a deficiency in any area and a summary of the steps taken to resolve the problem; and
  - 8) Copies of all grievances received, as described in Section 411.300(g) of this Part, and the resolution of such grievances.
- c) Fiscal Reports  
The facility director shall submit copies of the following information for the reporting period to the licensing representative:
- 1) The annual approved budget and any approved revision;
  - 2) All fiscal reports made to the governing body; and

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## 3) Financial audits.

- d) Unusual Incident Reports  
The secure child care facility shall state in the child's or youth's record and shall report to the parents, attorney and/or Guardian ad Litem and the Department any unusual incidents or serious occurrences involving children and youth. These incidents and occurrences shall be reported in writing, or if made verbally, confirmed in writing within 48 hours after the occurrence. These incidents and occurrences include serious accident or injury requiring extensive medical care or hospitalization, death, alleged criminal violations, arrest, bedroom searches, sexual activity, alleged abuse or neglect, major fire or other emergency situations, requiring a child or youth to take 2 consecutive meals in isolation, or any serious incident that results in legal action by or against the facility that affects any child or children and youth, personnel, or conduct of the facility.

## e) Legal Documents

The child's or youth's caseworker shall promptly be sent copies of all documents and correspondence received related to the child's or youth's pending legal matters, including, but not limited to, juvenile court actions or other actions affecting the child's or youth's placement, treatment, or secure care status. The facility shall confer with the caseworker about all issues or concerns raised by these documents. Producing documents and reports as ordered by the courts or requested by attorneys, caseworkers or other persons shall be the responsibility of the facility unless otherwise advised.

## Section 411.505 Fiscal Management

- a) The facility shall maintain fiscal planning, budgeting, and accounting procedures and a system of regular review and audit. At a minimum, procedures shall include: internal controls; petty cash; bonding for all appropriate staff; signature control on checks; accrual accounting; acquisition and inventory procedures; the issuing or use of vouchers; and collection, safeguarding, and disbursement of monies. The agency shall maintain a degree of financial solvency that insures adequate care of the children and youth for whom it has assumed responsibility.
- b) The institution shall maintain fiscal records that shall include:
- 1) current and projected operating budget for the facility for which licensure is sought;
  - 2) financial records annually audited and certified by public accountants not affiliated with the institution.
- d) The above records shall be maintained and kept in the State of Illinois where they shall be readily available for review by designated Department licensing and audit staff.
- e) A certified copy of the institution's annual audit as performed by an independent auditor shall be submitted to the Department as required in Section 411.500 of this Part. The auditor shall also examine the

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facility's compliance with the fiscal planning, budgeting, and accounting procedures required in subsection (a) of this Section and summarize findings of this examination in the audit report.

## Section 411.510 Funds and Property of Children and Youth

- a) Personal funds of children and youth held by the facility shall be controlled by generally accepted accounting procedures and shall be deposited in an insured account. Children and youth shall receive receipts for all financial transactions on a monthly basis. The facility shall provide a quarterly report on the status of each child's or youth's account to the child's or youth's caseworker, Guardian ad Litem and attorney.
- b) Personal financial transactions or transfer of a child's or youth's personal property between children or youth, children or youth and staff, and children or youth and volunteers/interns shall be prohibited.

## SUBPART G: PHYSICAL PLANT, GROUNDS AND SAFETY

## Section 411.600 Physical Plant

- a) General Requirements
  - 1) The facility shall comply with the Americans with Disabilities Act of 1990 (42 USC 12101) and with the regulations implementing Title I and Title II of that Act.
  - 2) Occupancy of the facility shall comply with the fire safety rules enforced by the Office of the State Fire Marshal.
  - 3) The building housing a secure child care facility shall be approved prior to occupancy and license renewal by the Illinois Department of Public Health and the Office of the State Fire Marshal or local agencies authorized by those State agencies to conduct inspections on their behalf. Otherwise, inspection and approval shall be in accordance with the regulations of the proper health and fire authorities.
  - 4) There shall be documentation by a qualified inspector that the interior finishing materials in children's or youths' living, activity and program areas, exits, and common areas are in accordance with building and fire codes.
  - 5) Physical plant design shall facilitate personal contact and interaction between staff and children or youth and promote continuous, unobstructed view, communication, and control.
  - 6) The facility design and its security features, including perimeter fencing, shall be approved by the licensing representative prior to licensure. Perimeter fencing is not required. However, any fencing or barriers that pose a significant health hazard, such as razor and electric current fencing, are specifically prohibited.

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- 7) A safe and sanitary water supply shall be maintained. If a private water supply is used instead of a public water supply, the facility shall supply written records of current test results indicating that the water supply is safe for drinking in accordance with the standards specified for non-community water supplies in the Drinking Water Systems Code [77 Ill. Adm. Code 900]. New test results must be provided prior to license renewal.
- 8) The facility shall have a waste disposal system that is in accordance with local services approved by the appropriate regulatory agency.
- 9) Renovation or remodeling that will change the use or the structure of a facility shall be approved by the licensing representative and the Office of the State Fire Marshal. Failure to do so may result in revocation of the license.
- 10) The facility shall post written emergency and evacuation procedures. The facility shall post written translations of such procedures for limited English-speaking or visually impaired children and youth residing in the facility.
- b) Residential Housing
- 1) The facility shall provide at least 40 square feet of unencumbered floor space per sleeping room.
  - 2) Each sleeping room shall have at a minimum:
    - A) A rigidly constructed bed for each occupant, bolted to the floor with a flatbed surface for the mattress. Mattresses shall have no inner-springs, shall have a snap-check type of cover, and shall meet the requirements of Section 31-5 of the National Fire Protection Association Life Safety Code, 1991 Edition.
    - B) Illumination of at least 20-50 footcandles. Light fixtures shall be secure and tamper-proof. There shall be a night light.
    - C) A secure door with a viewing window that provides for unobstructed continuous visual observation of the entire room and its occupant by direct line of sight or indirect line of sight (e.g., mirrors).
    - D) A storage space.
    - E) A desk securely attached to the wall. Lighting of at least 50-100 footcandles shall be provided at desk level.
    - F) A secure access-protected exterior window and natural light in the room.
    - G) Electrical outlets that are Ground Fault Interrupted (GFI).
    - H) Intercom or other approved communication capabilities.
  - 3) Sleeping rooms shall be located above basement level.
  - 4) In educational facilities, separate wings shall be provided for male and female children and youth.
  - 5) Living, activity and program areas to be used by children and youth with disabilities shall be handicapped accessible and shall

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- c) Dayrooms provide for integration with the general population.
- 1) Dayrooms with space for varied activities by the children and youth residing in the facility shall be provided. If a dayroom is situated immediately adjacent to the sleeping areas, the dayroom shall be separated from sleeping areas by a floor-to-ceiling wall.
  - 2) Dayrooms shall be:
    - A) Of a sufficient size to provide a minimum of 35 square feet of unencumbered space per child or youth for the maximum number expected to use the dayroom at one time.
    - B) Contain fixtures and recreation equipment that are suitable for the security requirements and developmental levels and needs of the group.
    - C) Provided with bulletin boards to facilitate access to daily posted information.
    - D) Designed for continuous supervision that may be accomplished through use of surveillance and monitoring equipment.
    - E) Secured with controlled access and egress. Windows shall be secured and protected from damage.
    - F) Furnished with sufficient seating and writing surfaces for each child or youth using the dayroom at one time. Furnishings shall be consistent with the security needs of the assigned children and youth and are subject to approval of the Department. Televisions, electronic games, table games, and other recreational features shall be under staff control with secure storage available.
    - G) Illumination of at least 20-50 footcandles. Light fixtures shall be secure and tamper-proof.
- d) Personal Hygiene
- 1) Children and youth shall be provided adequate access to toilets and lavatories.
    - A) Access to toilets shall be staff-controlled and locked when not occupied.
    - B) Lavatory and toilet facilities for children and youth shall consist of 1 toilet and 1 lavatory for every six children and youth. Facilities shall be separate for boys and girls and shall be located near sleeping quarters.
    - C) Toilet and lavatory types shall be selected consistent with individual security requirements and are subject to approval by the Department.
    - D) Staff-activated water shut-off valves shall be provided for all toilets and lavatories accessible by children and youth.
    - E) Lavatories shall be equipped with hot and cold running water. Hot water temperatures shall range from 100 to 112 degrees Fahrenheit.
  - 2) Children and youth shall have supervised and controlled access to showers with temperature-controlled hot and cold running water.



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- e) Lighting
- 1) A minimum ratio of 1 shower shall be provided for every 8 children and youth.
  - 2) Hot water temperatures shall range from 100 to 112 degrees Fahrenheit.
  - 3) All showers shall have staff-controlled access and be capable of surveillance by staff of the same sex.
- f) Temperature Control and Ventilation
- 1) Heating, cooling, and ventilation systems shall be staff-controlled to ensure healthful and comfortable living and working conditions for children, youth and staff.
  - 2) An alternative means of ventilation shall be available in the event of an emergency such as a power failure.
  - 3) Ventilation systems shall be tamper-proof.
  - 4) The operation of security windows and screens shall be staff-controlled.
  - 5) Temperatures in indoor living and work areas shall be maintained between 68 and 75 degrees.

## g) Program and Service Areas

- 1) All program and service areas shall be capable of being secured with staff-controlled access and egress and shall be capable of continuous visual surveillance, communication, and supervision.
- 2) The total indoor activity area, which may include gymnasium, multipurpose rooms, library, arts and crafts rooms, and all other leisure areas outside the living unit, shall have an aggregate space equivalent to a minimum of 100 square feet per child or youth.
- 3) Outdoor exercise areas for children and youth shall be provided.
  - A) The design of the outdoor recreational area shall provide for emergency access.
  - B) Selection of recreational equipment and control of potential breaching aids shall be incorporated into the design.
- 4) Adequate space shall be provided for a children's or youths' visiting room or area.
  - A) Space shall be provided to permit the screening and searching of children, youth and visitors prior to entry and upon exit.
  - B) Space shall be provided for the proper storage of visitors' coats, handbags, and other personal items not allowed into the visiting area.
  - C) The design of the visiting area shall provide for staff-controlled access and egress and continuous visual

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- surveillance and supervision.
- D) Private interview space shall be provided for Guardian ad litem and/or attorney visits or other interviews with children that may require privacy as determined necessary by the child's or youth's caseworker or facility director.
- 5) Classrooms shall be designed to conform with federal, State, and local educational requirements.
- A) Classrooms shall have the capability for staff-controlled access and egress and provide for visual observation into the classroom from corridors.
  - B) Communication capability from a central control shall be provided.
- 6) A dining room for group dining shall be provided.
- A) There shall be at least 15 square feet of floor space per person expected to use the dining room or dining area at any one time.
  - B) The dining room shall have staff-controlled access and egress and be designed to provide continuous surveillance and supervision.
  - C) The dining room shall be capable of being secured from the food preparation area during meals.
- 7) The food preparation area shall conform to local codes and public health requirements.
- A) The area shall have adequate space for food preparation based on population, type of food preparation, and methods of meal service.
  - B) There shall be adequate storage and loading areas and garbage disposal facilities.
  - C) All storage areas shall be designed with doors that lock upon closure.
  - D) All storage doors shall have a view panel for visual observation into the storage areas.
  - E) The food preparation area shall be capable of being secured from the dining room during meals.
- h) Storage Areas
- 1) Adequate space shall be provided to receive inventory and to store and issue clothing, bedding, cleaning supplies, and other items required for daily operations. Such areas shall be secured by a door that locks upon closing. The facility shall maintain a current master inventory of the contents of all storage areas.
  - 2) Space shall be provided for the safe and secure receipt, processing, inventory, and storage of personal property of children and youth.
  - 3) Separate and adequate space shall be provided for electrical and mechanical equipment. The access doors or panels to these areas shall lock when closed.
  - 4) Adequate secure storage space shall be provided for the personal property of staff during their hours of employment. Storage



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space shall be located outside of the children's and youths' living, activity, and program areas.

- i) Administrative and Staff Areas  
Adequate space shall be provided for administrative, security, professional, and clerical staff. This shall include a conference room, storage room for records, public lobby, and toilet facilities. All administrative areas shall be capable of being secured by staff. Areas where children and youth routinely have access shall have viewing panels or windows for visual observation from hallways, corridors, or other office areas into the work space.

j) Staff Control Room

Space shall be provided for a staff control room with capabilities for monitoring and coordinating the facility's security, safety, and communications systems on a 24 hour basis.

**Section 411.605 Accessibility to Individuals with Disabilities**

Reasonable accommodations shall be made to ensure that all areas of the facility are accessible to and usable by staff, children and youth, and visitors with disabilities in compliance with the Americans with Disabilities Act of 1990 (42 USC 12101) and 71 Ill. Adm. Code 400 (Illinois Accessibility Code).

The facility will provide supportive services or equipment necessary for the safety of or to facilitate communication with children and youth who have visual, speech or hearing impairments.

**Section 411.610 Communication**

The facility shall provide immediate means of communication in a language or manner preferred by the child or youth and/or the child's or youth's family and caregivers.

**Section 411.615 Key Control**

The facility shall establish a plan to control keys and their use that provides for accounting of the identification, function, location and possessor of each key. The plan must address and/or incorporate the following:

- a) All keys shall be issued from the staff control room.
- b) A log shall be used to record the number of each key or ring issued and the name of the receiving staff. A master inventory showing the location of the lock, the number of keys to that lock, and the names of all employees assigned to the key shall be maintained.
- c) Facility keys and/or key rings that are not permitted to be retained by staff shall be returned to the staff control room by the end of the work shift and shall be stored so that their presence or absence can be easily determined. Broken keys and locks shall be immediately reported and replaced as soon as possible.

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- d) The facility shall maintain at least one duplicate key for each lock.
- e) An emergency set of keys shall be securely maintained in the staff control room. Fire and emergency keys shall be color-coded and marked for identification by touch.

- f) Children and youth shall be prohibited from possessing keys.
- g) Facility policy may control staff possession of personal keys while on duty.

**Section 411.620 Tools and Equipment**

- a) The facility shall develop a written plan governing the control, inventory, storage, and use of tools and culinary, medical, and security equipment. The plan shall limit hazardous tool access to staff only.

- b) The level of authority required for access to and use of tools and equipment shall be specified.

**Section 411.625 Vehicles**

The facility shall establish procedures governing the use and security of facility vehicles and the use of personal vehicles for official purposes. Provisions for insurance coverage shall be included.

**Section 411.630 Safety and Emergency Procedures**

a) Fire Safety

- 1) The facility shall establish a written fire prevention plan, including at a minimum:
  - A) Provision for an adequate fire protection service;
  - B) A system of fire extinguisher inspection and testing of equipment at least quarterly or at intervals approved by the Office of the State Fire Marshal;
  - C) An annual or more frequent inspection as required by the Office of the State Fire Marshal;
  - D) Availability of fire protection equipment at appropriate locations throughout the facility; and
  - E) Monthly inspection by the on-site fire plan coordinator.
- 2) A comprehensive and thorough inspection of the facility shall be conducted annually or on a schedule approved by the Office of the State Fire Marshal to determine compliance with safety and fire prevention standards. A weekly fire and safety inspection of the facility shall be made by a trained facility staff member.
- 3) Facilities shall be equipped with non-combustible receptacles at all entrances for extinguishing smoking materials and shall have separate containers for other combustible refuse at accessible locations throughout living quarters in the facility. Special containers shall be provided for flammable liquids and for rags used with flammable liquids that meet Underwriters Laboratory

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specifications. All receptacles and containers shall be emptied and cleaned daily.

- 4) The fire plan shall be reviewed annually by the facility director and updated as needed.
- b) Flammable, Toxic, and Caustic Materials  
The use and storage of all flammable, toxic, and caustic materials shall be controlled. These materials must be under direct staff control and be properly stored and secured. Warning labels to prevent use by children and youth must be strictly followed.

c) Emergency Power and Communications

- 1) The facility shall have access to an alternative power source to maintain essential services in an emergency. The facility shall have emergency lights in areas such as living, activity, and program areas, and all means of egress in accordance with applicable fire and building codes.
- 2) The facility shall provide for a communications system within the facility and between the facility and the community in the event of urgent, special, or unusual incidents or emergency situations.
- 3) The facility shall establish a written evacuation plan prepared in the event of a fire or a major emergency that shall be approved by the Office of the State Fire Marshal. The plan shall be reviewed annually and updated as needed. Revised plans shall be reissued and provided to the Office of the State Fire Marshal and to the local fire safety authority. The plan shall include the following:
  - A) Location of buildings and room floor plans;
  - B) Use of exit signs and directional arrows for traffic flow;
  - C) Location of publicly posted evacuation plans; and
  - D) Monthly drills in all occupied locations of the facility.
 Where evacuation of children and youth with high risk behavior would pose a safety concern, staff drills may be conducted instead of evacuating such children and youth.

d) Emergency Plans

- 1) All facility personnel shall be trained in the implementation of written emergency plans. Work stoppage and riot or disturbance plans shall be communicated only to appropriate supervisory staff or other personnel directly involved in the implementation of those plans.
- 2) The facility shall provide the means for the immediate release of children and youth from locked areas in case of an emergency and provide for a backup system of security for children and youth.

- e) Runaways and Missing Children and Youth  
The facility shall establish a written plan regarding runaways and missing children and youth. The plan shall ensure a timely coordinated response with the child's or youth's caseworker and local law enforcement. The plan shall be reviewed at least annually and updated as needed. The facility shall have the plan readily available for review upon request by the Department.

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## SUBPART H: HEALTH CARE, SAFETY AND SANITATION

## Section 411.700 Food Service

- a) Food shall be cooked or prepared at the secure child care facility, or on the campus where the facility is located, in a kitchen that has been inspected and approved in accordance with the Illinois Department of Public Health's Food Service Sanitation Code [77 Ill. Adm. Code 750] or food may be purchased from a licensed catering service. Preparation of food, whether on or off site, shall comply with the Food Service Sanitation Code. A copy of these regulations shall be available to appropriate staff.
- b) Food service shall be under the management of a State-certified food service manager as required by the Food Handling Regulation Enforcement Act (410 ILCS 625).
- c) Accurate records shall be maintained of all meals served, including menus served for the past 12-month period.
- d) The facility's system of dietary allowance shall be reviewed and documented at least annually by a registered dietician to ensure compliance with nationally recommended food allowance appropriate for the age group of children and youth housed in the facility.
- e) The food service staff shall develop advance planned menus that are reviewed and approved by a registered dietician and shall substantially follow the required meal schedule. In the planning and preparation of all meals, food flavor, texture, temperature, appearance, and palatability shall be taken into consideration.
  - 1) Menus shall be posted one week in advance.
  - 2) The food service plan shall provide for a single menu for staff, children and youth.
  - 3) Menu planning shall reflect consideration for cultural, religious and ethnic patterns.
- f) Special diets as prescribed by appropriate medical or dental personnel shall be provided.
- g) The use of or denial of food as a disciplinary measure shall be prohibited.
- h) Special diets for children and youth whose religious beliefs require the adherence to religious dietary laws shall be provided. Alternative entrees to pork or pork products or meat substitutes shall be made available.
- i) Food services shall comply with the applicable sanitation and health codes as promulgated by Federal, State, and local authorities.
- j) Weekly inspections shall be conducted of all food service areas, including dining and food preparation areas, by the facility director or designee. The inspections shall include: equipment, sanitation records, and temperature-controlled storage facilities for all foods. The weekly inspections shall be documented.
- k) Daily checks of refrigerator, freezer, and dishwasher temperatures shall be conducted by administrative, medical, or dietary personnel

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for compliance with applicable public health standards. The daily checks shall be documented. Food shall be maintained at the following temperatures:

- 1) Dietary shelf goods shall be maintained at 45 to 80 degrees Fahrenheit;
  - 2) Refrigerated foods shall be maintained at 35 to 40 degrees Fahrenheit; and
  - 3) Frozen foods shall be maintained at 0 degrees Fahrenheit or below.
- 1) Staff shall supervise children and youth during meals and ensure proper portion control and sanitation.
- 1) Children and youth shall be provided group dining except due to safety or security considerations. The facility shall file an unusual incident report whenever a child or youth is required to eat 2 consecutive meals in isolation.
  - 2) The food preparation area shall be secured from the dining area during meals.
  - 3) Children and youth shall not be permitted to take food back to their rooms or to give away, trade, or exchange portions.
  - 4) Second helpings shall be available.
  - 5) The facility director shall be advised of children and youth who are not eating.
  - 6) Careful accounting for eating utensils shall be made. Hazardous kitchen tools, including knives, shall be accounted for and secured before children and youth are admitted to the dining room prior to each meal and at the end of the day.
  - m) At least three nutritious meals shall be provided at regular meal times during each 24-hour period, with no more than 14 hours elapsing between the evening meal and breakfast. Nutritious afternoon and evening snacks shall be provided to each child and youth daily. Beverages shall be provided with all meals. Provided basic nutritional goals are met, variations may be allowed based on weekend and holiday food service demands.
  - n) Health protection shall be provided for all staff, children and youth in the facility and children, youth and other persons working in food service.

- 1) As required by State and local laws or regulations applicable to food service employees, all personnel, children and youth involved in the preparation of food shall receive a pre-assignment medical examination and periodic re-examinations to ensure freedom from diarrhea, skin infections, and other illnesses transmissible by food or utensils. All examinations shall be conducted in accordance with public health requirements and shall be documented in appropriate employee medical and child or youth master record files.
- 2) When the facility's food services are provided by an outside agency or individual, the facility shall have written verification that the outside provider complies with State and

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- 3) local regulations regarding food service standards.
- 3) All food handlers shall be trained and instructed to wash their hands upon reporting to duty, after using toilet facilities, and before touching food.
- 4) Persons working in food service shall be monitored each day for health and cleanliness by the food service manager or his or her designee.

**Section 411.705 Safety and Sanitation**

- a) Weekly documented safety and sanitation inspections of all facility areas shall be conducted to ensure compliance with applicable Federal, State, and local sanitation and health codes and to control vermin and pests.
- b) There shall be a comprehensive written housekeeping plan and cleaning schedule for the facility. Cleaning supplies, caustics, and toxins shall be inventoried, controlled and dispensed by staff and items marked with warning labels shall be kept out of the hands of children and youth.

**Section 411.710 Bedding, Linen, and Clothing**

- a) Each child or youth shall be issued suitable clean bedding and linens, including two sheets, a pillow and pillowcase, one mattress, and sufficient blankets to provide comfort under existing temperatures. Clean linen shall be provided at least once a week and as needed for enuretic children and youth. A child's or youth's wet or soiled linens shall be changed immediately. Universal Precautions shall be followed when handling soiled items.
- b) Children and youth shall be provided the opportunity to have adequate clothing appropriate to the season. A child's or youth's wet or soiled clothing shall be changed immediately. Universal Precautions shall be followed when handling soiled items.
- c) The facility shall provide for the thorough cleaning and, when necessary, disinfecting of children's and youth's personal clothing before storage or before allowing the children or youth to keep and wear personal clothing.

**Section 411.715 Personal Hygiene**

- a) The facility shall have a shower schedule that allows for supervised daily showers and children's and youth's access to showers after strenuous exercise. Children and youth shall shower individually.
- b) Articles that are necessary for maintaining proper personal hygiene shall be provided to each child and youth, including combs, brushes, toothbrushes, towels, and washcloths, appropriately identified for his or her own use. Feminine hygiene supplies shall be available for adolescent girls.

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- c) Hair care services by licensed barbers or beauticians shall be available to children and youth every 4 weeks.

**Section 411.720 Health Care Services**

- a) Each child and youth shall be screened for communicable diseases within 24 hours after arrival at the facility.
- b) Any employee, child or youth suspected of having a communicable disease shall have a medical examination.
- c) Children's and youth's medical complaints shall be monitored and responded to daily by a registered nurse who documents the complaint and the action taken.
- d) Treatment by health care personnel other than a physician, dentist, psychologist, optometrist, podiatrist, or similar provider shall be performed pursuant to written standing or direct orders by a physician or dentist. Nurse practitioners and physician assistants may practice within the limits of applicable laws and regulations.
- e) Consent for medical care shall be obtained from the guardian and documented in the client file. The informed consent of child or youth, parent, guardian, or legal custodian shall be obtained when required by law. When health care is rendered against the patient's will, it shall be in accordance with federal and State laws and Department rules.
- f) The child's or youth's parents, caseworker, Department's Office of the Guardian, licensing representative and regional administrator shall be notified in case of serious illness or injury, surgery, or death.
- g) A registered nurse shall be available on site at all times and shall coordinate the health delivery services in the facility under the joint supervision of a licensed physician and the facility director.
- h) Questions regarding the appropriateness of medical treatment shall be referred through the child's or youth's caseworker to the Department's Office of the Guardian.
- i) The facility shall develop a written health plan that shall address the management of serious and communicable diseases. The plan shall be updated as new information becomes available. The plan shall include: an ongoing educational program for staff and children, including Universal Precautions, control, treatment, and prevention strategies that may include screening and testing, special supervision, or special housing arrangements, as appropriate; discharge planning; or protection of individual confidentiality pursuant to federal, State, and local laws and regulations. The plan shall provide for the emergency detoxification of children and youth from alcohol, opiates, barbiturates, and similar drugs to be performed under medical supervision. The plan shall provide for the clinical management of chemically dependent children and youth.
- j) At the time a child or youth is admitted, program and secure child care staff shall be informed of special medical and mental health concerns on a need-to-know basis.

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- k) Emergency medical, dental, and mental health care shall be available to children and youth on a 24 hour basis. Availability of these services shall be outlined in a written plan that includes arrangements for the following:
- 1) On-site emergency first aid and crisis intervention;
  - 2) Emergency evacuation of the children and youth from the facility;
  - 3) Use of an emergency medical vehicle;
  - 4) Use of one or more designated hospital emergency rooms or other appropriate health facilities;
  - 5) Emergency on-call physician, dentist, and mental health professional services when the emergency health facility is not located in a nearby community;
  - 6) Security procedures when transportation is required for children and youth; and
  - 7) Process to notify the caseworker, parents, and Guardian ad Litem.

**Section 411.725 Pharmaceutical Items**

- a) The facility shall have a written plan that provides for the proper management and secure storage of pharmaceutical items and addresses the following:
  - 1) Prescription practices, including the following requirements:
    - A) Psychotropic medications shall be prescribed only when clinically indicated as one facet of a program of therapy, and shall comply with requirements set out in 89 Ill. Adm. Code 325 (Administration of Psychotropic Medications to Children for Whom the Department is Legally Responsible);
    - B) "Stop order" time periods shall be required for all medications; and
    - C) The prescribing provider shall re-evaluate a prescription prior to its renewal and at a minimum every 30 days.
  - 2) Procedures for medication receipt, secure storage, issuance, and/or processing documentation.
  - 3) Secure storage and periodic inventory of all controlled substances, syringes, and needles.
  - 4) Provision of medicine to children and youth shall be by persons properly trained and under the supervision of the physician and facility director or designee.
  - 5) Accountability for providing medications to children and youth in a timely manner and according to medical orders.
  - 6) Review of individual and aggregate medication errors.
- b) The person providing medications to children and youth shall have training from a physician or designee and shall be accountable for providing medications according to the physician's requirements and the facility plan. Medications provided shall be recorded in a manner and on a form approved by the facility director.

**Section 411.730 Medical Responses**

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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- a) Medical personnel and other facility staff shall be trained to respond to emergency health-related situations within a four-minute response time to anywhere within the facility. A training program shall be established and certified by a physician in cooperation with the facility director. The program shall include:
- 1) Recognition of signs and symptoms and knowledge of action required in potential emergency situations.
  - 2) Administration of first aid and cardiopulmonary resuscitation (CPR).
  - 3) Methods of obtaining assistance and communication.
  - 4) Signs and symptoms of mental illness, disabilities, and chemical dependency.
  - 5) Procedures for patient transfers to appropriate medical facilities or health care providers.
  - 6) How to request an ambulance.
  - 7) Protection from blood-borne pathogens.
- b) First aid kits shall be available. The registered nurse shall approve the contents, number, location, and procedure for periodic inspection of the kits.

**Section 411.735 Health Education**

Programs and training shall be provided to children and youth for the development of sound habits and practices regarding personal hygiene; sex education; avoiding sexually transmitted diseases, HIV, and infectious diseases; drug education and substance abuse; and education related to consequences of the use of tobacco.

**Section 411.740 Health Records**

- a) The child's or youth's health record shall, where appropriate, contain the following:
- 1) The completed receiving screening form;
  - 2) Health appraisal data forms;
  - 3) All findings, diagnoses, treatments, and dispositions;
  - 4) Prescribed medications and their administration;
  - 5) Laboratory, x-ray, and diagnostic studies;
  - 6) Signature and title of documenter;
  - 7) Consent and refusal forms;
  - 8) Release of information forms;
  - 9) Place, date, and time of health encounters;
  - 10) Health service reports, such as, dental, mental health, and consultation reports;
  - 11) Treatment plan, including nursing care plan;
  - 12) Progress reports; and
  - 13) Discharge summary of hospitalization and other termination summaries.
- b) The method of recording entries in the records, the form and format of

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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the records, and the procedures for their maintenance and safekeeping shall be approved by the facility director.

- c) The facility shall have a written plan that upholds the principle of confidentiality of the health record and supports the following requirements:

- 1) The active health record shall be maintained separately from the child or youth master record file.
- 2) Access to the health record shall be controlled by the facility director. Department personnel shall have unrestricted access to a child's or youth's medical record.
- 3) The Qualified Mental Health Professional (QMHP) shall share with the facility director information regarding a child's or youth's medical management, security, and ability to participate in programs.

## SUBPART I: SEVERABILITY OF THIS PART

**Section 411.800 Severability of This Part**

If any court of competent jurisdiction finds that any rule, clause, phrase, or provision of this Part is unconstitutional or invalid for any reason whatsoever, this finding shall not affect the validity of the remaining portions of this Part.



## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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## Section 411.APPENDIX A Resource Reference List

## Laws of the State of Illinois

- Abused and Neglected Child Reporting Act [325 ILCS 5]
- Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 30.1]
- Cannabis Control Act [720 ILCS 550]
- Child Care Act of 1969 [225 ILCS 10]
- Children and Family Services Act [20 ILCS 505]
- Food Handling Regulation Enforcement Act [410 ILCS 625]
- Illinois Environmental Barriers Act [410 ILCS 25]
- Illinois School Code [105 ILCS 5]
- Illinois Controlled Substances Act [720 ILCS 570]
- Unified Code of Corrections [730 ILCS 5/3-15-2]
- Illinois Vehicle Code [625 ILCS 5]
- Juvenile Court Act [705 ILCS 405]
- Mental Health and Developmental Disabilities Code [405 ILCS 5]
- Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110]

## Laws of the United States Government (federal)

- Americans with Disabilities Act (42 USC 12101)

## Administrative Rules of the Capital Development Board

- 71 Ill. Adm. Code 400 (Illinois Accessibility Code)

## Administrative Rules of the Illinois Department of Children and Family Services

- 89 Ill. Adm. Code 300 (Reports of Child Abuse and Neglect)
- 89 Ill. Adm. Code 325 (Administration of Psychotropic Medications to Children for Whom the Department is Legally Responsible)
- 89 Ill. Adm. Code 383 (Licensing Enforcement)
- 89 Ill. Adm. Code 385 (Background Checks)
- 89 Ill. Adm. Code 404 (Licensing Standards for Child Care Institutions)
- 89 Ill. Adm. Code 431 (Confidentiality of Personal Information of Persons Served by the Department)

## Administrative Rules of the Illinois Department of Human Services

- 59 Ill. Adm. Code 132 (Medicaid Community Mental Health Services Program)

## Administrative Rules of the Illinois Department of Public Aid

- 89 Ill. Adm. Code 140 (Illinois Medical Assistance Program)

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## Administrative Rules of the Illinois Department of Public Health

- 77 Ill. Adm. Code 520 (Treatment of Choking Victims)
- 77 Ill. Adm. Code 690 (Control of Communicable Diseases Code)
- 77 Ill. Adm. Code 695 (Immunization Code)
- 77 Ill. Adm. Code 750 (Food Service Sanitation Code)
- 77 Ill. Adm. Code 820 (Illinois Swimming Pool and Bathing Beach Code)
- 77 Ill. Adm. Code 845 (Lead Poisoning Prevention Act)
- 77 Ill. Adm. Code 900 (Drinking Water Systems Code)

## Administrative Rules of the Office of the State Fire Marshal

- 41 Ill. Adm. Code 100 (Fire Prevention and Safety)
- 41 Ill. Adm. Code 250 (Fire Equipment Distributor and Employee Standards)
- 41 Ill. Adm. Code 300 (Furniture Fire Safety Regulations)

ILLINOIS RELAY CENTER: VOICE - 1-800-526-0857 TTY - 1-800-526-0844  
Charges to access the center and standard phone charges will be added to the facility's telephone bill.

Child Abuse Hotline - 1-800-252-2873

Poison Control Center - 1-800-942-5969

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED RULES

## Section 411.APPENDIX B Acceptance of Voluntary Surrender of License - No Investigations Pending

## OFFER OF VOLUNTARY SURRENDER BY A SECURE CHILD CARE FACILITY

(No investigations pending)

I, (Name of head of governing body), affirm that the governing body of the (name of the secure child care facility) met on (date of meeting) and voluntarily agreed to surrender license number , expiration date of (original license attached to this agreement).

I further state that the facility, to the best of the knowledge of myself and each member of the governing body, is not presently under investigation by the Department of Children and Family Services for any licensing complaint or report of suspected abuse or neglect or by the DCFS Office of Inspector General or by any other state agency of any state or its Inspector General or by any local, State or federal law enforcement agency for any reason.

I acknowledge that if, at any time after the acceptance of the offered surrender of license, the Department learns that the secure child care facility knew or should have known that it was under investigation at the time it offered to surrender its license and failed to disclose the information to the Department, the Department at its option may set aside its acceptance of the surrender and proceed to take appropriate action against the licensee and the license, including, but not limited to, the revocation of the license or the refusal to renew the license.

Printed name and title of head of governing body

Signature / Date

County of )  
 ) ss  
 State of Illinois )

Subscribed and sworn before me on (date)-

Notary Public

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED RULES

## ACCEPTANCE OF VOLUNTARY SURRENDER BY A LICENSING REPRESENTATIVE

(No investigations pending)

I, (name of licensing administrator), accept the voluntary surrender of this license and affirm that, to the best of my knowledge, this secure child care facility is not presently under investigation by the Department of Children and Family Services for any licensing complaint or report of suspected abuse or neglect, and that neither the DCFS Office of the Inspector General nor any other state agency of any state or its office of Inspector General nor any local, any State or any federal law enforcement agency has given the Department notice that this secure child care facility is under investigation. Further, no litigation exists between the Department and this facility.

Printed name and title of licensing administrator

Signature of DCFS licensing administrator/Date

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED RULES

Section 411.APPENDIX C Acceptance of Voluntary Surrender of License -  
Investigations PendingAGREEMENT FOR THE VOLUNTARY SURRENDER OF A LICENSE  
(Investigations pending)

I, (name of head of the governing body), affirm that the governing body of the (name of the secure child care facility) met on (date of meeting) and agreed to voluntarily surrender license number , with an expiration date of (original license attached to this agreement).

I further state that the secure child care facility has reason to believe that it is presently under investigation by the Department of Children and Family Services for a licensing complaint or a report of suspected abuse or neglect, by the DCFS Office of the Inspector General or by any local, State or federal law enforcement agency for any reason, or that litigation is pending between the Department and the secure child care facility.

In the following space, identify the investigating agency and summarize the basis of the investigation, if known. Attach additional pages, if necessary.

In the following space identify all pending litigation between the Department and the secure child care facility. Provide the name of the case, docket number, and:

- a) the county in which it is filed, if a State action;
- b) appellate district, if on appeal;
- c) the district, if it is a federal action; or
- d) the circuit, if it is on appeal.

I further state that the governing body of the secure child care facility or its successor will not apply for a license as a secure child care facility until (insert date at least one year from today's date).

Printed name and title of head of governing body

Signature / Date

County of )  
 ) ss  
State of Illinois )

Subscribed and sworn before me on (date).

Notary Public

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## NOTICE OF ADOPTED RULES

## ACCEPTANCE OF VOLUNTARY SURRENDER BY A LICENSING ADMINISTRATOR

I, (name of the licensing administrator), accept the voluntary surrender of the license and agree that the Department will not seek to revoke the license and will not refuse to renew the license if the statements made above are correct and complete. As part of this agreement, the Department will not accept another application for license as a secure child care facility before (insert date at least one year after the date of acceptance of the voluntary surrender).

(Printed name and title of licensing administrator)

Signature of DCFS licensing administrator/Date

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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**Section 441.APPENDIX D Acceptable Human Services Degrees**

Only the following degrees may be accepted as human services degrees.

Early Childhood Development  
Guidance and Counseling  
Home Economics - Child and Family Services  
Human Services Administration  
Human Services  
Master of Divinity  
Pastoral Care  
Pastoral Counseling  
Psychiatric Nursing  
Psychiatry  
Psychology  
Public Administration  
Public Science  
Social Science  
Social Services  
Social Worker  
Sociology

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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**Section 411.APPENDIX E Professionals Who Must Be Registered or Licensed**

Statute That Requires Registration or Licensure

Type of Profession

Athletic Trainer	Illinois Athletic Trainers Practice Act [225 ILCS 5]
Clinical Social Worker	Clinical Social Work and Social Work Practice Act [225 ILCS 20]
Dental Assistant	Illinois Dental Practice Act [225 ILCS 25]
Dentist	Illinois Dental Practice Act [225 ILCS 25]
Dietician	Dietetic and Nutrition Services Practice Act [225 ILCS 30]
Marriage and Family Therapist	Marriage and Family Therapy Licensing Act [225 ILCS 55]
Nurse	Nursing and Advanced Practice Nursing Act [225 ILCS 65]
Occupational Therapist	Illinois Occupational Therapy Practice Act [225 ILCS 75]
Optometrist	Illinois Optometric Practice Act of 1987 [225 ILCS 80]
Pharmacist	Pharmacy Practice Act of 1987 [225 ILCS 85]
Physical Therapist	Illinois Physical Therapy Act [225 ILCS 90]
Physician	Medical Practice Act of 1987 [225 ILCS 60]
Physician Assistant	Physician Assistant Practice Act of 1987 [225 ILCS 95]
Podiatrist	Podiatric Medical Practice Act of 1987 [225 ILCS 100]
Professional Counselor	Professional Counselor and Clinical Professional Counselor Act [225 ILCS 107]
Psychologist	Clinical Psychologist Licensing Act [225 ILCS 15]
Social Worker	Clinical Social Work and Social Work Practice Act [225 ILCS 20]
Speech-Language Pathologist	Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110]
Teacher	School Code [105 ILCS 5]

DEPARTMENT OF HUMAN SERVICES  
NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Audit Requirements of DHS
- 2) Code Citation: 89 Ill. Adm. Code 507
- 3) Section Numbers: Adopted Action:  
507.10 Amended
- 4) Statutory Authority: Implementing and authorized by the Department of Human Services Act [20 ILCS 1305].
- 5) Effective Date of Rulemaking: June 22, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: April 14, 2000, 24 Ill. Reg. 6239
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: In Section 507.10 (a), added "Based on the specific requirements of subsection (b), (c), or (d), whichever applies, each," and changed "jist" to "j1".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect?  
No
- 14) Are there any amendments pending on this Part: No
- 15) Summary and Purpose of Amendments: This rulemaking amends this Part to include two new information forms designed by DHS to gather needed fiscal and administrative data. These forms are more tightly focused on the information needs of DHS.
- 16) Information and questions regarding this adopted amendment shall be directed to:  
Mr. Susan Weir, Bureau Chief  
Bureau of Adm. Rules & Procedures  
Department of Human Services  
100 South Grand Avenue East, 3rd Floor  
Springfield, Illinois 62762

DEPARTMENT OF HUMAN SERVICES  
NOTICE OF ADOPTED AMENDMENTS

The full text of adopted amendments begins on the next page:



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

## PART 507

## AUDIT REQUIREMENTS OF DHS

## Section

## 507.10 Audit Requirements

AUTHORITY: Implementing and authorized by the Department of Human Services Act [20 ILCS 1305].

SOURCE: Adopted by emergency rule at 22 Ill. Reg. 12154, effective June 24, 1998, for a maximum of 150 days; emergency expired November 21, 1998; adopted at 22 Ill. Reg. 22366, effective December 8, 1998; emergency amendment at 23 Ill. Reg. 7768, effective June 24, 1999, for a maximum of 150 days; amended at 24 Ill. Reg. 12627, effective October 4, 1999; amended at 24 Ill. Reg. 9424, effective JUN 22 2000.

## Section 507.10 Audit Requirements

- a) Based on the specific requirements of subsection (b), (c), or (d), whichever applies, each Each Provider receiving purchase of service or grant contract funding (Provider) from the Department of Human Services (Department) shall annually submit to the Department a Fiscal/Administrative Checklist, an independent audit report and/or revenue and expense data in a form prescribed by the Department, and/or a Grant Report to enable the Department to perform fiscal monitoring and to account for the usage of funds paid to the Provider under Agreements with the Department. Providers subject to these requirements shall be notified by registered or certified letter no later than May 31 ~~31st~~ of the year of the contract. This letter shall contain detailed instructions related to the Fiscal/Administrative Checklist, independent audit requirements, and Grant Report, including provisions for requesting waivers, modifications and filing extensions.
- b) If the Provider's combined purchase of service or grant contract funding for Department programs is less than \$100,000 and the Department performs rate calculations to determine payments for any of the programs, the Provider will be required to submit revenue and expense data in a form prescribed by the Department. Two copies shall be filed with the Department's Office of Contract Administration. The report shall be submitted within 120 days after the end of the Provider's fiscal year. If any of the programs are grants the Provider will be required to submit a Grant Report.
- c) If the Provider's combined purchase of service or grant contract funding for Department programs is less than \$300,000 but \$100,000 or

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

more and the Department performs rate calculations to determine payments for any of the programs, the Provider will be required to submit revenue and expense data in a form prescribed by the Department with an opinion from an Independent Certified Public Accountant. Two copies shall be filed with the Department's Office of Contract Administration. The report with an opinion shall be submitted within 120 days after the end of the Provider's fiscal year. If any of the programs are grants the Provider will be required to submit a Grant Report.

- d) If the Provider's combined purchase of service or grant contract funding for Department programs is \$300,000 or more and the Department performs rate calculations to determine payments for any of the programs, the Provider shall be required to submit an ~~an~~ **independent audit--report** and revenue and expense data in a form prescribed by the Department. If any of the programs are grants the Provider will be required to submit a Grant Report. All Providers with a combined purchase of service or grant funding for Department programs of \$300,000 or more are ~~For~~ **Per** providers required to submit an independent audit report, the basic requirements are:
  - 1) The audit shall be conducted by a Certified Public Accountant or Certified Public Accounting Firm licensed in the State of Illinois;

- 2) The audit report shall include the financial statements prescribed by the Financial Accounting Standards Board for Not-For-Profit Organizations, or the Governmental Accounting Standards Board for Governmental Entities, as appropriate;
- 3) The audits shall be conducted in accord with the "single audit" requirements and standards when the Provider receives or expends Federal funds that cumulatively exceed the Federal threshold. These requirements are detailed in Federal OMB Circular A-133, "Audits of States, Local Governments and Non-Profit Organizations"; and
- 4) The report shall be submitted within 120 days after the end of the Provider's fiscal year. Two copies of any reports prepared in accordance with Federal OMB Circular A-133 shall be filed with the Department's Office of Contract Administration. Any request for an extension of time to file an independent audit report, Fiscal and Administrative Checklist, Grant Report or supplemental revenue and expense data shall be submitted to the Department's Manager of the Office of Contract Administration. The Manager of the Office of Contract Administration shall respond in writing to each such request within 14 days after it is received by the Office of Contract Administration.
- e) A request for exception to the audit requirements prescribed in this Section shall be submitted to the Department's Manager of the Office of Contract Administration. Such requests shall be approved only when convincingly justified. The Department's Manager of the Office of Contract Administration shall respond in writing to each request for

## DEPARTMENT OF HUMAN SERVICES

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- exception within 14 days after it is received by the Office of Contract Administration.
- f) Audit requirements may be waived by the Manager of the Office of Contract Administration when it is deemed to be in the interest of the State of Illinois or when it enhances the operating efficiency of the State. A written determination for the waiver shall be maintained by the Office of Contract Administration.
- g) Failure to meet the audit requirements contained in this Section shall result in the suspension of funding.

(Source: Amended at 24 Ill. Reg. 9424 - effective 11/27/00)

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Managed Care Reform & Patient Rights
- 2) Code Citation: 50 Ill. Adm. Code 5420
- 3) Section Numbers: Adopted Action:  
     5420.30 Amendment  
     5420.130 Amendment  
     5420.140 Amendment  
     EXHIBIT D New Section  
     EXHIBIT E New Section
- 4) Statutory Authority: Implementing the Managed Care Reform and Patient Rights Act [215 ILCS 134/1 through 299] and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].
- 5) Effective Date of Rulemaking: July 1, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: March 17, 2000, 24 Ill. Reg. 4008
- 10) Has JCRR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version:
- a) In the table of contents, delete "5420 Exhibit F Utilization Review Organization Compliance Checklist".
- b) In Section 5420.30, delete the definition of "Health Utilization Management Standards".
- c) In Section 5420.30, delete the definition of "Joint Commission on Accreditation".
- d) In Section 5420.30, delete the definition of "National Committee for Quality Assurance".
- e) In Section 5420.30, in the definition of "Utilization Review Program", delete "for the purpose of reimbursement".
- f) In Section 5420.130(a), add "Initial registration applications shall

## DEPARTMENT OF INSURANCE

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be deemed approved unless the Director finds such application to be noncompliant with either the standards set forth in Section 85 of the Managed Care Reform and Patient Rights Act of this Part," to the end of this subsection.

- g) In Section 5420.130(b), delete "URAC, NQA, or JCAHO," and add "the Health Utilization Medical Standards of American Accreditation Healthcare Commission (URAC), the National Committee for Quality Assurance (NQA), or the Joint Commission on Accreditation of Healthcare Organizations (JCAHO), in lieu thereof.
- h) In Section 5420.130(d)(3), change citation to "[5 ILCS 100/10-5 through 10-70]" and add "and 50 Ill. Adm. Code 2402" immediately thereafter.
- i) In Section 5420.140, add "except where specifically addressed by Section 45 and 50 of the Act for health care plans. The terms in Section 45 and 50 of the Act shall have the meaning assigned by the Act" following "standards" on the first line. Also delete "A list of the current requirements is set forth in Exhibit F of this part."
- j) In Section 5420.Exhibit D, item 8, delete the proposed introductory paragraph and add "Indicate accreditation stated below" in lieu thereof.
- k) In Section 5420.Exhibit D, item 8(a), delete "(check one and provide Proof of accreditation)" following "Accredited by".
- l) In Section 5420.Exhibit D, item 8(b), delete the proposed introductory paragraph and add "Unaccredited," in lieu thereof.
- m) In Section 5420.Exhibit D, item 9, add "certify that (utilization review organization) complies with the Health Utilization Management Standards of the American Accreditation Healthcare Commission (URAC) sufficient to achieve American Accreditation Healthcare Commission (URAC) accreditation or submits evidence of accreditation by the American Accreditation Healthcare Commission (URAC) for its Healthcare Utilization Management Standards, and do hereby" following "hereby" on the second line.
- n) In Section 5420.Exhibit F, this exhibit has been deleted in its entirety.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes, but the Department did not agree to some changes suggested by JCAR.
- 13) Will this rulemaking replace an emergency amendment currently in effect?

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of rulemaking: P.A. 91-617, which created the Managed Care Reform and Patient Act, empowers the Department to draft regulations for the registration of utilization review programs and to establish fees for such registration.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Dave Grant  
Department of Insurance  
320 West Washington  
Springfield, Illinois 62767-0001  
217/782-6369

The full text of the adopted amendments begins on the next page:

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 50: INSURANCE

## CHAPTER 1: DEPARTMENT OF INSURANCE

## SUBCHAPTER kkk : HEALTH CARE SERVICE PLANS

## PART 5420

## MANAGED CARE REFORM &amp; PATIENT RIGHTS

Section	Purpose
5420.10	Applicability
5420.20	Definitions
5420.30	Provision of Information
5420.40	Notice of Nonrenewal or Termination
5420.50	Transition of Services
5420.60	Health Care Services, Appeals, Complaints and External Independent Reviews
5420.70	Joint Resolution of Complaints - Department of Insurance and Record of Public Health - Notification and Resolution Process
5420.80	Report of Complaints
5420.90	Access and Quality of Care from Providers Without Primary Care Physician Referral or Authorization
5420.100	Emergency Services
5420.110	Post Stabilization Services
5420.120	Registration of Utilization Review Organizations
5420.130	Operational Requirements
5420.140	Description of Coverage - Cover Page
EXHIBIT A	Description of Coverage - Worksheet
EXHIBIT B	Complaint Record and Column Descriptions
EXHIBIT C	Application for Registration of a Utilization Review Organization
EXHIBIT D	Utilization Review Organization Officers and Directors
EXHIBIT E	Biographical Affidavit
EXHIBIT F	Utilization Review Organization Compliance Checklist
EXHIBIT G	Implementing the Managed Care Reform and Patient Rights Act [215 ILCS 134/1 through 299] and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].

SOURCE: Emergency rules adopted at 23 Ill. Reg. 12466, effective September 27, 1999, for a maximum of 150 days; adopted at 24 Ill. Reg. 3374, effective February 10, 2000; amended at 24 Ill. Reg. 9420, effective 10/1/2000.

## Section 5420.30 Definitions

Act means the Managed Care Reform and Patient Rights Act [215 ILCS 134/1 through 299] (P-A--91-617--effective--January-17-2000; except

## DEPARTMENT OF INSURANCE

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Sections 200 and 299 of the Act which took effect on August 19, 1999, and Sections 25 and 95 of the Act which take effect on July 17, 2000.

Code means the Illinois Insurance Code including any of the Acts in Chapter 215 of the Illinois Compiled Statutes.

Department means the Illinois Department of Insurance.

Director means the Director of the Illinois Department of Insurance.

Health Care Plan means a plan that establishes, operates, or maintains a network of health care providers that has entered into an agreement with the plan to provide health care services to enrollees to whom the plan has the ultimate obligation to arrange for the provision of or payment for services through organizational arrangements for ongoing quality assurance, utilization review programs, or dispute resolution. Nothing in this definition shall be construed to mean that an independent practice association or a physician hospital organization that subcontracts with a health care plan is, for purposes of that subcontract, a health care plan. For purposes of this definition, "health care plan" shall not include the following: (1) indemnity health insurance policies including those using a contracted provider network; (2) health care plans that offer only dental or only vision coverage; (3) preferred provider administrators, as defined in Section 370(g) of the Illinois Insurance Code; (4) employee or employer self-insured health benefit plans under the federal Employee Retirement Income Security Act of 1974; (5) health care provided pursuant to the Workers' Compensation Act or the Workers' Occupational Diseases Act; and (6) not-for-profit voluntary health services plans with health maintenance organization authority in existence as of January 1, 1999 that are affiliated with a union and that only extend coverage to union members and their dependents.

Health Care Provider means any physician, hospital facility, or other person that is licensed or otherwise authorized to deliver health care services. Nothing in the Act shall be construed to define independent practice associations or physician hospital organizations as health care providers.

Long-Standing Relationship means the continuous relationship between an enrollee and his or her primary care physician of not less than 5 years; except in the case of a child 5 years or under who has had a continuous relationship with the same primary care physician since birth, placement for adoption, guardianship or foster care.

Managed Care Organization (MCO) means a partnership, association, corporation or other legal entity, including but not limited to individual practice associations (IPAs) and Physician Hospital

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Organizations (PHOs), which delivers or arranges for the delivery of health care services through providers it has contracted with or otherwise made arrangements with to furnish such health care services.

Ongoing Course of Treatment means the treatment of a condition or disease that requires repeated health care services pursuant to a plan of treatment by a physician because of the potential for changes in the therapeutic regimen.

Person means a corporation, association, partnership, limited liability company, sole proprietorship, or any other legal entity.

Referral Arrangement means that for each referral or standing referral, a referral arrangement exists between a participating primary care physician and a participating specialist physician or a participating health care provider when a participating primary care physician makes a referral of an enrollee for that referral or standing referral to a participating specialist physician or participating health care provider.

Standing Referral means a written referral from the primary care physician for an ongoing course of treatment pursuant to a treatment plan specifying needed services and time frames developed by a specialist in consultation with the primary care physician and in accordance with procedures developed by the health care plan.

Utilization Review means the evaluation of the medical necessity, appropriateness, and efficiency of the use of health care services, procedures, and facilities.

Utilization Review Organization means an entity that has established one or more utilization review programs. This definition does not include:

persons providing utilization review program services only to the federal government;

self-insured health plans under the Federal Employee Retirement Income Security Act of 1974 (ERISA); however, this Part does not apply to persons conducting a utilization review program on behalf of these health plans;

hospitals and medical groups performing utilization review activities for internal purposes; however, this Part does apply when the hospital or medical group is conducting utilization review for another person.

Utilization Review Program means a program established by a person to

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perform utilization review.

(Source: Amended at 24 Ill. Reg. 9429, effective 11/1/2000)

### Section 5420.130 Registration of Utilization Review Organizations

- a) Registration: On or after July 1, 2000, a utilization review organization may not conduct utilization review for persons subject to Section 85 of the Managed Care Reform and Patient Rights Act [215 ILCS 134/85] unless the utilization review organization has registered with the Director. An application for registration shall be in a format as set forth in Exhibit D of this Part, and must be signed by an officer or director of the utilization review organization. Initial registration applications shall be deemed approved unless the Director finds such application to be noncompliant with either the standards set forth in Section 85 of the Managed Care Reform and Patient Rights Act or this Part.
- b) Fees: A utilization review organization must register with the Director every two years. A fee of \$3,000 must be submitted with each application or renewal unless the utilization review organization is accredited by the Health Utilization Medical Standards of the American Accreditation Healthcare Commission (URAC), the National Committee for Quality Assurance (NCQA), or the Joint Commission on Accreditation of Healthcare Organizations (JCAHO), in which case the fee is \$1500.
- c) Any material changes in the information filed pursuant to this Part shall be filed with the Director within 30 days after such change. Loss of accreditation status will require re-registration and payment of a \$3000 fee pursuant to subsections (a) and (b) of this Section.
- d) Renewals and Appeals:
  - 1) A registered utilization review organization may continue to operate, if the application and fee have been filed 30 days prior to the renewal date, until the renewal is denied or issued by the Director.
  - 2) If the renewal application and fee are not received prior to the renewal date, the registration will automatically expire and the utilization review organization must re-register and pay a fee pursuant to subsections (a) and (b) of this Section.
  - 3) If an application for registration or renewal is denied under a hearing under the terms of Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100/10-5 through 10-70] and 50 Ill. Adm. Code 2402, a petition for hearing must be postmarked no later than 30 days from the date of initial denial. A hearing shall be scheduled within 45 days after the petition is filed with the Director. A decision by the Director shall be rendered within 60 days after the close of the hearing.



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(Source: Added 7000 ) at 24 Ill. Reg. 94 29 , effective

## Section 5420.140 Operational Requirements

A Utilization Review Organization shall comply with all URAC standards, except where specifically addressed by Section 45 and 50 of the Act for health care plans. The terms in Section 45 and 50 of the Act shall have the meaning assigned by the Act. Utilization review decisions shall be issued pursuant to the Managed Care Reform and Patient Rights Act [215 ILCS 134/1 through 299].

(Source: Added at 24 Ill. Reg. 94 29 , effective 7000 - 7000 )

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## Section 5420. EXHIBIT D Application for Registration of a Utilization Review Organization

## 1. Name of Applicant

Type of Applicant (check one):

- ☐ Corporation  
☐ Partnership  
☐ Limited Liability Corporation  
☐ Other (Describe)

FEI Number

Contact Person

Business Telephone Number ( )

Fax Number ( )

Email Address

## 2. Type of Utilization Review Organization (check one):

- ☐ Health Care Utilization  
☐ Comprehensive Utilization Review  
☐ Specialty Utilization Review

Check all categories that apply (as applicable):

- ☐ Licensed HMO providing utilization review services outside of the HMO  
☐ Licensed HMO providing utilization review services only within that HMO  
☐ Third Party Administrator  
☐ Licensed insurance company providing utilization review services outside of that insurance company  
☐ Licensed Insurance Company providing utilization review services only within that insurance company  
☐ Hospital or medical group providing utilization review services for other than internal purposes  
☐ Other (Describe)

## 3. Business Address

Street (do not use PO Box)

City

State

Zip

## 4. Mailing Address

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Street or P.O. Box \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
 City \_\_\_\_\_  
 5. Business Telephone Number ( ) \_\_\_\_\_  
 Toll Free Number ( ) \_\_\_\_\_  
 FAX Number ( ) \_\_\_\_\_  
 Email Address/Website \_\_\_\_\_

## 6. Agent for Service of Process in Illinois

Name \_\_\_\_\_  
 Street Address (do not use P.O. Box) \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

## 7. For each Utilization Review Program supply the following information:

- a) The name, address, telephone number and normal business hours of the utilization programs.
- b) The organization and governing structure of the utilization review programs.
- c) The number of lives for which utilization review is conducted by each utilization program.
- d) Hours of operation of each utilization review program.
- e) Description of the grievance process for each utilization program.
- f) Number of covered lives for which utilization review was conducted for the previous calendar year for each utilization review program.
- g) Written policies and procedures for protecting confidential information according to applicable State and Federal laws for each utilization review program.
- h) Biographical information for organization officers and directors as set forth in Exhibit B of this Part. Biographical affidavits shall be stamped "confidential" by the utilization review organization.

## 8. Indicate accreditation status below.

a) \_\_\_\_\_ Accredited by:

\_\_\_\_ URAC  
 \_\_\_\_ NCOA  
 \_\_\_\_ JCAHO

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b) \_\_\_\_\_ Unaccredited.

## 9. Affirmation (to be signed by an officer or director of the utilization review organization only):

I, \_\_\_\_\_ do hereby certify that \_\_\_\_\_ (utilization review organization complies with the Health Utilization Management Standards of the American Accreditation Healthcare Commission (URAC) sufficient to achieve American Accreditation Healthcare Commission (URAC) accreditation or submits evidence of accreditation by the American Accreditation Healthcare Commission (URAC) for its Health Utilization Management Standards, and do hereby affirm that all of the information presented in this application is true and correct.

(signature) \_\_\_\_\_

(date) \_\_\_\_\_

(Source: Added at 24 Ill. Reg. 9429, effective 1/1/2000)



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(Source: Added at 24 Ill. Reg. 9429, effective JUL - 1 2000)

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- Heading of the Part: Hazardous Waste Management System: General
- Code citation: 35 Ill. Adm. Code 720
- Section Numbers: 720.110  
Amend 720.111
- Statutory authority: 415 ILCS 5/7.2, 13, 22.4, and 27.
- Effective date of amendments: June 20, 2000
- Does this rulemaking contain an automatic repeal date? No
- Do these amendments contain incorporations by reference? Yes. The centralized listing of incorporation by reference appears at 35 Ill. Adm. Code 720.111 for the purpose of all of 35 Ill. Adm. Code 702 through 705, 720 through 726, 728, 730, 733, and 739. The present amendments update the version of the federal Clean Water Act analytical procedures of 40 CFR 136 incorporated by reference at 35 Ill. Adm. Code 720.111 for the purposes of the RCRA Subtitle C hazardous waste regulations. USEPA amended 40 CFR 136 on December 30, 1999. The present amendments add references to those federal amendments.
- Statement of availability: The adopted amendments, a copy of the Board's opinion and order adopted May 18, 2000, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.
- Notice of proposal published in Illinois Register: March 24, 2000, 24 Ill. Reg. 4403
- Has JCAR issued a Statement of Objection to these amendments? No. Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking was not subject to Section 5-35 of the APA, it was not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).
- Differences between proposal and final version: The following table summarizes the differences between the amendments proposed by the Board in an opinion and order dated March 2, 2000, in docket R00-13, and the amendments adopted on May 18, 2000. Many of the differences are explained in greater detail in the Board's opinion and order of May 18, 2000.

Section Revised	Source(s) of Revision(s)	Revision(s)
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720. Source note	Board	Removed references to the PCB reporter (three times); Provided full citation for adoption of A00-5 amendments
720.110 "boiler"	JCAR	Added ending punctuation to the parenthetical in the third sub-paragraph
720.110 "existing hazardous waste management facility"	JCAR	Capitalized the word "State"
720.110 "existing tank system"	JCAR	Changed present-tense "is" and "has" to past-tense "was"
720.110 facility	JCAR	Changed to lower case "section"
720.110 "Federal, State, and local approvals . . ."	JCAR	Changed to upper case "State"
720.110 "movement"	JCAR, Board	Changed "that hazardous waste transported" to "hazardous waste that is transported"
720.110 "new hazardous waste management facility"	JCAR	Deleted an unnecessary comma after "commenced"
720.110 "new tank system"	JCAR	Changed to past-tense "commenced"
720.110 "pesticide"	JCAR	Changed "subsections of this definition" to "Paragraphs of this definition"
720.110 "SIC Code"	JCAR	Added "Classification"

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720.110 "sludge"	JCAR	Added a comma after the word "facility" to offset a parenthetical
720.110 "small quantity generator"	JCAR	Changed the defined term to lower case
720.110 "staging pile"	JCAR	placed "remediation waste" in quotation marks
720.110 "well injection"	JCAR	Moved period inside parentheses
720.111	JCAR, Board	Moved the incorporation language
720.111(a)	JCAR, Board	Moved the incorporation language from subsection (a) to the preamble; added language indicating the sources in subsection (a)
720.111(a) "ACI" "ACI 318-83"	JCAR	Deleted comma from the issue date
720.111(a) "API"	JCAR	Deleted commas from the issue dates (four times)
720.111(a) "API" "API Course 415"	JCAR	Deleted an unnecessary comma from the issue date
720.111(a) "ASTM" "ASTM Method D 88-87"	JCAR	Deleted an unnecessary comma from the issue date
720.111(a) "GPO" "Test Methods for Evaluating . . ."	JCAR	Deleted unnecessary commas from the issue dates (five times)



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- 720.111(a) "NACE"  
"Control of External  
Corrosion . . . JCAR Deleted an unnecessary  
comma from the issue date
- 720.111(a) "OECD"  
JCAR Deleted an unnecessary  
closing parenthesis mark
- 720.111(a) "USEPA"  
Technical Assistance  
Document" JCAR Deleted an unnecessary  
comma from the issue date
- 720.111(a) "USEPA"  
"Screening  
Procedures . . ." JCAR Deleted an unnecessary  
comma from the issue date
- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.
- 13) Will these amendments replace emergency amendments currently in effect? No

14) Are there any other amendments pending on this Part? No

15) Summary and purpose of amendments: A more detailed description is contained in the Board's opinion and order of May 18, 2000, adopting amendments in docket R00-13, which opinion and order is available from the address below. As is explained in that opinion, the Board delayed filing the adopted amendments for 30 days from the date the Board voted to adopt them in order to allow the United States Environmental Protection Agency (USEPA) an opportunity to comment on the amendments before they became effective.

This proceeding updates the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the *Federal Register* during a single update period. The docket and time period that is involved in this proceeding is the following:

R00-13 Federal RCRA Subtitle C amendments that occurred during the period July 1, 1999, through December 31, 1999.

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The R00-13 docket amends rules in Parts 703, 720, 721, 722, 724, 725, 726, 728, and 733. Prior to discussing the specific changes made to this Part, the Board will describe the docket as a whole, since amendments to various Parts may be inter-related. The following table briefly summarizes the federal actions in the update period:

64 Fed. Reg. 36466  
(July 6, 1999)

USEPA adopted amendments that designate and regulate hazardous waste lamps as universal waste. This amounts to a relaxation of the existing requirements that regulate the lamps as hazardous waste.

64 Fed. Reg. 52828  
(September 30, 1999)

USEPA adopted final emission standards for hazardous waste combustors. These integrated air pollution control and hazardous waste regulations amend various segments of the hazardous waste rules. One feature of these amendments is that a hazardous waste permit is no longer required for a hazardous waste incinerator that has a Clean Air Act permit and which complies with the National Emission Standards for Hazardous Air Pollutants applicable to such a facility.

64 Fed. Reg. 56469  
(October 20, 1999)

USEPA adopted a technical correction to its May 11, 1999 technical amendments to its May 12, 1997 Phase IV land disposal restrictions (LDRs).

64 Fed Reg. 63209  
(November 19, 1999)

USEPA adopted technical corrections to its September 30, 1999 final emission standards for hazardous waste combustors.

The Board included one federal action that amended the Clean Water Act analytical methods, which are incorporated by reference in 35 Ill. Adm. Code 720.111.

64 Fed. Reg. 73414  
(December 30, 1999)

40 CFR 136 amendments.

Following the March 2, 2000 Board vote to propose these amendments for public comment, the Board noted later USEPA actions. Both actions constituted major relaxations of the federal hazardous waste management standards as they relate to specific wastes. In the first action, USEPA extended the allowable accumulation time for wastewater treatment sludge from plating operations (USEPA hazardous waste number R006) that is accumulated for metals recovery. In the second action, USEPA withdrew the hazardous waste listings and LDRs for organobromide production wastes

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(USEPA hazardous waste numbers K140 and U408). The Board has decided to include these later amendments in this proceeding for a variety of reasons. First, both actions affect Parts of the rules already involved in the proposal for public comment. Second, the Board does not want to delay obtaining the environmental and economic benefits of this federal relaxation in Illinois. These later, included federal actions are the following:

65 Fed Reg. 12378  
(March 8, 2000)  
USEPA adopted increased accumulation limits and extended accumulation times for wastewater sludge from plating operations (USEPA hazardous waste number F006) that is accumulated for metals recovery.

65 Fed Reg. 14472  
(March 17, 2000)  
USEPA adopted increased accumulation limits and extended accumulation times for wastewater sludge from plating operations (USEPA hazardous waste number F006) that is accumulated for metals recovery.

Specifically, the amendments to Part 720 implement segments of the federal July 6, 1999 designation of lamps as universal waste and the September 30, 1999 hazardous waste combustor rule. The present amendments update the version of the federal Clean Water Act analytical procedures of 40 CFR 136 incorporated by reference at 35 Ill. Adm. Code 720.111 for the purposes of the RCRA Subtitle C hazardous waste regulations. The amendments also make a number of non-substantive corrections requested by JCAB.

Section 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking was not subject to Section 5-35 of the APA, it was not subject to First Notice or to Second Notice review by JCAB.

16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge  
Attorney  
Illinois Pollution Control Board  
100 W. Randolph 11-500  
Chicago, IL 60601  
312-814-6924

Request copies of the Board's opinion and order of May 18, 2000, from Patricia Jones, at 312-814-3620. Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at <http://www.ipcb.state.il.us>.

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The full text of the adopted amendments begins on the next page:

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## TITLE 35: ENVIRONMENTAL PROTECTION

## SUBTITLE G: WASTE DISPOSAL

## CHAPTER I: POLLUTION CONTROL BOARD

## SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

## PART 720

## HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

## SUBPART A: GENERAL PROVISIONS

Section  
720.101 Purpose, Scope, and Applicability  
720.102 Availability of Information; Confidentiality of Information  
720.103 Use of Number and Gender

## SUBPART B: DEFINITIONS

Section  
720.110 Definitions  
720.111 References

## SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

Section  
720.120 Rulemaking  
720.121 Alternative Equivalent Testing Methods  
720.122 Waste Delisting  
720.123 Petitions for Regulation as Universal Waste  
720.130 Procedures for Solid Waste Determinations  
720.131 Solid Waste Determinations  
720.132 Boiler Determinations  
720.133 Procedures for Determinations  
720.140 Additional regulation of certain hazardous waste Recycling on a case-by-case Basis  
720.141 Procedures for case-by-case regulation of hazardous waste Recycling Activities

## APPENDIX A Overview of 40 CFR, Subtitle C Regulations

AUTHORITY: Implementing Sections 7.2, 13, and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 22.4 and 27].

SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-19 at 7 Ill. Reg. 14015, effective Oct. 12, 1983; amended in R84-9 at 9 Ill. Reg. 11819, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 968, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 13998, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20630, effective

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December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6017, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13435, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19280, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2450, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 12999, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 362, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18278, effective November 13, 1989; amended in R89-2 at 14 Ill. Reg. 3075, effective February 20, 1990; amended in R89-9 at 14 Ill. Reg. 6225, effective April 16, 1990; amended in R90-10 at 14 Ill. Reg. 16450, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7934, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9323, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14446, effective September 30, 1991; amended in R91-13 at 16 Ill. Reg. 9489, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17636, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5625, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20545, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6720, effective July 29, 1994; amended in R94-7 at 18 Ill. Reg. 17480, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9508, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 10529, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 256, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7590, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17496, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1704, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9094, effective July 26, 1999; amended in R00-5 at 24 Ill. Reg. 1063, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9443, effective June 20, 2000.

## SUBPART B: DEFINITIONS

## Section 720.110 Definitions

When used in 35 Ill. Adm. Code 720 through 726 and 728 only, the following terms have the meanings given below:

"Aboveground tank" means a device meeting the definition of tank <sup>1</sup>that is situated in such a way that the entire surface area of the tank is completely above the plane of the adjacent surrounding surface and the entire surface area of the tank (including the tank bottom) is able to be visually inspected.

"Act" or "RCRA" means the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 USC 6901 et seq.).

"Active life" of a facility means the period from the initial receipt of hazardous waste at the facility until the Agency receives certification of final closure.

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"Active portion" means that portion of a facility where treatment, storage or disposal operations are being or have been conducted after May 19, 1980, and which is not a closed portion. (See also "closed portion" and "inactive portion".)

"Administrator" means the Administrator of the United States E-R-Environmental Protection Agency or the Administrator's designee.

"Agency" means the Illinois Environmental Protection Agency.

"Ancillary equipment" means any device, including, but not limited to, such devices as piping, fittings, flanges, valves, and pumps, that is used to distribute, meter, or control the flow of hazardous waste from its point of generation to storage or treatment tanks ~~tank(s)~~, between hazardous waste storage and treatment tanks to a point of disposal onsite, or to a point of shipment for disposal off-site.

"Aquifer" means a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of groundwater to wells or springs.

"Authorized representative" means the person responsible for the overall operation of a facility or an operational unit (i.e., part of a facility), e.g., the plant manager, superintendent, or person of equivalent responsibility.

"Battery" means a device consisting of one or more electrically connected electrochemical cells that is designed to receive, store, and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode, and an electrolyte, plus such connections (electrical and mechanical) as may be needed to allow the cell to deliver or receive electrical energy. The term battery also includes an intact, unbroken battery from which the electrolyte has been removed.

"Board" means the Illinois Pollution Control Board.

"Boiler" means an enclosed device using controlled flame combustion and having the following characteristics:

Boiler physical ~~Physical~~ characteristics.

The unit must have physical provisions for recovering and exporting thermal energy in the form of steam, heated fluids, or heated gases; and the unit's combustion chamber and primary energy recovery sections ~~section(s)~~ must be of integral design. To be of integral design, the combustion chamber and the primary energy recovery sections ~~section(s)~~

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(such as waterwalls and superheaters) must be physically formed into one manufactured or assembled unit. A unit in which the combustion chamber and the primary energy recovery sections ~~section(s)~~ are joined only by ducts or connections carrying flue gas is not integrally designed; however, secondary energy recovery equipment (such as economizers or air preheaters) need not be physically formed into the same unit as the combustion chamber and the primary energy recovery section. The following units are not precluded from being boilers solely because they are not of integral design: process heaters (units that transfer energy directly to a process stream) and fluidized bed combustion units; and

While in operation, the unit must maintain a thermal energy recovery efficiency of at least 60 percent, calculated in terms of the recovered energy compared with the thermal value of the fuel; and

The unit must export and utilize at least 75 percent of the recovered energy, calculated on an annual basis. In this calculation, no credit shall be given for recovered heat used internally in the same unit. (Examples of internal use are the preheating of fuel or combustion air, and the driving of induced or forced draft fans or feedwater pumps.); or

Boiler by designation. The unit is one which the Board has determined, on a case-by-case basis, to be a boiler, after considering the standards in Section 720.132.

"Carbon regeneration unit" means any enclosed thermal treatment device used to regenerate spent activated carbon.

"Certification" means a statement of professional opinion based upon knowledge and belief.

"Closed portion" means that portion of a facility that ~~which~~ an owner or operator has closed in accordance with the approved facility closure plan and all applicable closure requirements. (See also "active portion" and "inactive portion".)

"Component" means either the tank or ancillary equipment of a tank system.

"Confined aquifer" means an aquifer bounded above and below by impermeable beds or by beds of distinctly lower permeability than that of the aquifer itself; an aquifer containing confined groundwater.

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"Container" means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

"Containment building" means a hazardous waste management unit that is used to store or treat hazardous waste under the provisions of 35 Ill. Adm. Code 724.Subpart DD and 35 Ill. Adm. Code 775.Subpart DD.

"Contingency plan" means a document setting out an organized, planned, and coordinated course of action to be followed in case of a fire, explosion, or release of hazardous waste or hazardous waste constituents ~~that~~ which could threaten human health or the environment.

"Corrective action management unit" or "CAMU" means an area within a facility that is used only for managing remediation wastes for implementing corrective action or cleanup at the facility.

BOARD NOTE: USEPA must also designate a CAMU until it grants this authority to the Agency. See the note following 35 Ill. Adm. Code 724.652.

"Corrosion expert" means a person who, by reason of knowledge of the physical sciences and the principles of engineering and mathematics, acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks. Such a person must be certified as being qualified by the National Association of Corrosion Engineers (NACE) or be a registered professional engineer who has certification or licensing that includes education and experience in corrosion control on buried or submerged metal piping systems and metal tanks.

"Designated facility" means a hazardous waste treatment, storage, or disposal facility,

Of which any of the following is true Which:

The facility has ~~has~~ received a RCRA permit (or interim status) pursuant to 35 Ill. Adm. Code 702, 703 and 705;

The facility has ~~has~~ received a RCRA permit from USEPA pursuant to 40 CFR 124 and 270 (1999) ~~1992~~;

The facility has ~~has~~ received a RCRA permit from a state authorized by USEPA pursuant to 40 CFR 271 (1999) ~~1992~~; or

The facility is ~~is~~ regulated under 35 Ill. Adm. Code 721.106(c)(2) or 266.Subpart F; and

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The facility ~~which~~ has been designated on the manifest by the generator pursuant to 35 Ill. Adm. Code 722.120.

If a waste is destined to a facility in a state, other than Illinois, but ~~which~~ has been authorized by USEPA pursuant to 40 CFR 771, but which has not yet obtained authorization to regulate that waste as hazardous, then the designated facility must be a facility allowed by the receiving state to accept such waste.

"Destination facility" means a facility that treats, disposes of, or recycles a particular category of universal waste, except those management activities described in 35 Ill. Adm. Code 733.113(a) and (c) and 733.133(a) and (c). A facility at which a particular category of universal waste is accumulated is not a destination facility for the purposes of managing that category of universal waste.

"Dike" means an embankment or ridge of either natural or manmade materials used to prevent the movement of liquids, sludges, solids, or other materials.

"Dioxins and furans" or "D/F" means tetra, penta, hexa, hepta, and octachlorinated dibenzo dioxins and furans.

"Director" means the Director of the Illinois Environmental Protection Agency.

"Discharge" or "hazardous waste discharge" means the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying, or dumping of hazardous waste into or on any land or water.

"Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

"Disposal facility" means a facility or part of a facility at which hazardous waste is intentionally placed into or on any land or water and at which waste will remain after closure. The term disposal facility does not include a corrective action management unit (CAMU) into which remediation wastes are placed.

"Drip pad" means an engineered structure consisting of a curbed, free-draining base, constructed of non-earthen materials and designed to convey preservative kick-back or dripage from treated wood, precipitation and surface water runoff to an associated collection system at wood preserving plants.



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"Electric lamp" means the bulb or tube portion of a lighting device specifically designed to produce radiant energy, most often in the ultraviolet, visible, and infrared regions of the electromagnetic spectrum.

"EPA hazardous waste number" or "USEPA hazardous waste number" means the number assigned by USEPA to each hazardous waste listed in 35 Ill. Adm. Code 721.Subpart D and to each characteristic identified in 35 Ill. Adm. Code 721.Subpart C.

"EPA identification number" or "USEPA identification number" means the number assigned by USEPA pursuant to 35 Ill. Adm. Code 722 through 725 to each generator; transporter; and treatment, storage, or disposal facility.

"EPA region" or "USEPA region" means the states and territories found in any one of the following ten regions:

"Elementary neutralization unit" means a device which:

Is used for neutralizing wastes which are hazardous only because they exhibit the corrosivity characteristic defined in 35 Ill. Adm. Code 721.122 or are listed in 35 Ill. Adm. Code 721.Subpart D only for this reason; and

Meets the definition of tank, tank system, container, transport vehicle, or vessel in this Section.

"EPA hazardous waste number" or "USEPA hazardous waste number" means the number assigned by USEPA to each hazardous waste listed in 35 Ill. Adm. Code 721.Subpart D and to each characteristic identified in 35 Ill. Adm. Code 721.Subpart C.

"EPA identification number" or "USEPA identification number" means the number assigned by USEPA pursuant to 35 Ill. Adm. Code 722 through 725 to each generator; transporter; and treatment, storage, or disposal facility.

"EPA region" or "USEPA region" means the states and territories found in any one of the following ten regions:

Region I: Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island

Region II: New York, New Jersey, Commonwealth of Puerto Rico, and the U.S. Virgin Islands

Region III: Pennsylvania, Delaware, Maryland, West Virginia, Virginia, and the District of Columbia

Region IV: Kentucky, Tennessee, North Carolina, Mississippi, Alabama, Georgia, South Carolina, and Florida

Region V: Minnesota, Wisconsin, Illinois, Michigan, Indiana, and Ohio

Region VI: New Mexico, Oklahoma, Arkansas, Louisiana, and Texas

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Region VII: Nebraska, Kansas, Missouri, and Iowa

Region VIII: Montana, Wyoming, North Dakota, South Dakota, Utah, and Colorado

Region IX: California, Nevada, Arizona, Hawaii, Guam, American Samoa, and Commonwealth of the Northern Mariana Islands

Region X: Washington, Oregon, Idaho, and Alaska

"Equivalent method" means any testing or analytical method approved by the Board pursuant to Section 720.120.

"Existing hazardous waste management (HWM) facility" or "existing facility" means a facility that which was in operation or for which construction commenced on or before November 19, 1980. A facility had commenced construction if the owner or operator had obtained the federal, State statute, and local approvals or permits necessary to begin physical construction and either:

A continuous on-site, physical construction program had begun; or

The owner or operator had entered into contractual obligations that which could not be canceled or modified without substantial loss, for physical construction of the facility to be completed within a reasonable time.

"Existing portion" means that land surface area of an existing waste management unit, included in the original Part A permit application, on which wastes have been placed prior to the issuance of a permit.

"Existing tank system" or "existing component" means a tank system or component that is used for the storage or treatment of hazardous waste and which was in operation, or for which installation was commenced, on or prior to July 14, 1986. Installation will be considered to have commenced if the owner or operator has obtained all federal, State, and local approvals or permits necessary to begin physical construction of the site or installation of the tank system and if either of the following is true:

A continuous on-site physical construction or installation program has begun; or

The owner or operator has entered into contractual obligations that which cannot be canceled or modified without substantial loss, for physical construction of the site or installation of the tank system to be completed within a reasonable time.

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"Explosives or munitions emergency" means a situation involving the suspected or detected presence of unexploded ordnance (UXO), damaged or deteriorated explosives or munitions, an improvised explosive device (IED), other potentially explosive material or device, or other potentially harmful military chemical munitions or device, that creates an actual or potential imminent threat to human health, including safety, or the environment, including property, as determined by an explosives or munitions emergency response specialist. Such situations may require immediate and expeditious action by an explosives or munitions emergency response specialist to control, mitigate, or eliminate the threat.

"Explosives or munitions emergency response" means all immediate response activities by an explosives and munitions emergency response specialist to control, mitigate, or eliminate the actual or potential threat encountered during an explosives or munitions emergency. An explosives or munitions emergency response may include in-place render-safe procedures, treatment, or destruction of the explosives or munitions or transporting those items to another location to be rendered safe, treated, or destroyed. Any reasonable delay in the completion of an explosives or munitions emergency response caused by a necessary, unforeseen, or uncontrollable circumstance will not terminate the explosives or munitions emergency. Explosives and munitions emergency responses can occur on either public or private lands and are not limited to responses at RCRA facilities.

"Explosives or munitions emergency response specialist" means an individual trained in chemical or conventional munitions or explosives handling, transportation, render-safe procedures, or destruction techniques. Explosives or munitions emergency response specialists include United States 8-S-7 Department of Defense (USDOD 8-S-7-BPB) emergency explosive ordnance disposal (EOD), technical escort unit (TEU), and USDOD 8-S-7-BPB-certified civilian or contractor personnel and other federal, state, or local government or civilian personnel who are similarly trained in explosives or munitions emergency responses.

"Facility" means:

All contiguous land and structures, other appurtenances, and improvements on the land used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations of them).

For the purpose of implementing corrective action under 35 Ill. Adm. Code 724.201, all contiguous property under the control of the owner or operator seeking a permit under Subtitle C of RCRA.

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This definition also applies to facilities implementing corrective action under RCRA section Section 3008(h).

Notwithstanding the immediately-preceding paragraph of this definition, a remediation waste management site is not a facility that is subject to 35 Ill. Adm. Code 724.201, but a facility that is subject to corrective action requirements if the site is located within such a facility.

"Federal agency" means any department, agency, or other instrumentality of the federal government, any independent agency or establishment of the federal government, including any government corporation and the Government Printing Office.

"Federal, state statute, and local approvals or permits necessary to begin physical construction" means permits and approvals required under federal, state statute, or local hazardous waste control statutes, regulations, or ordinances.

"Final closure" means the closure of all hazardous waste management units at the facility in accordance with all applicable closure requirements so that hazardous waste management activities under 35 Ill. Adm. Code 724 and 725 are no longer conducted at the facility unless subject to the provisions of 35 Ill. Adm. Code 722.134.

"Food-chain crops" means tobacco, crops grown for human consumption, and crops grown for feed for animals whose products are consumed by humans.

"Freeboard" means the vertical distance between the top of a tank or surface impoundment dike and the surface of the waste contained therein.

"Free liquids" means liquids which readily separate from the solid portion of a waste under ambient temperature and pressure.

"Generator" means any person, by site, whose act or process produces produce hazardous waste identified or listed in 35 Ill. Adm. Code 721 or whose act first causes a hazardous waste to become subject to regulation.

"Groundwater" means water below the land surface in a zone of saturation.

"Hazardous waste" means a hazardous waste as defined in 35 Ill. Adm. Code 721.103.

"Hazardous waste constituent" means a constituent that which caused

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the hazardous waste to be listed in 35 Ill. Adm. Code 721.Subpart D, or a constituent listed in 35 Ill. Adm. Code 721.124.

"Hazardous waste management unit" is a contiguous area of land on or in which hazardous waste is placed, or the largest area in which there is significant likelihood of mixing hazardous waste constituents in the same area. Examples of hazardous waste management units include a surface impoundment, a waste pile, a land treatment area, a landfill cell, an incinerator, a tank and its associated piping and underlying containment system, and a container storage area. A container alone does not constitute a unit; the unit includes containers, and the land or pad upon which they are placed.

"Inactive portion" means that portion of a facility which is not operated after November 19, 1980. (See also "active portion" and "closed portion".)

"Incinerator" means any enclosed device of which the following is true **that:**

The facility uses **uses** controlled flame combustion, and it neither:

Meets the criteria for classification as a boiler, sludge dryer, or carbon regeneration unit, nor

Is listed as an industrial furnace; or

The facility meets **Meets** the definition of infrared incinerator or plasma arc incinerator.

"Incompatible waste" means a hazardous waste **that** which is unsuitable for:

Placement in a particular device or facility because it may cause corrosion or decay of containment materials (e.g., container inner liners or tank walls); or

Comingling with another waste or material under uncontrolled conditions because the comingling might produce heat or pressure, fire or explosion, violent reaction, toxic dusts, mists, fumes or gases, or flammable fumes or gases.

(See 35 Ill. Adm. Code 725.Appendix E for examples.)

"Industrial furnace" means any of the following enclosed devices that are integral components of manufacturing processes and that use thermal treatment to accomplish recovery of materials or energy:

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Cement kilns;

Lime kilns;

Aggregate kilns;

Phosphate kilns;

Coke ovens;

Blast furnaces;

Smelting, melting and refining furnaces (including pyrometallurgical devices such as cupolas, reverberator furnaces, sintering machines, roasters, and foundry furnaces);

Titanium dioxide chloride process oxidation reactors;

Methane reforming furnaces;

Pulping liquor recovery furnaces;

Combustion devices used in the recovery of sulfur values from spent sulfuric acid;

Halogenated acid furnaces (HAFs) for the production of acid from halogenated hazardous waste generated by chemical production facilities where the furnace is located on the site of a chemical production facility, the acid product has a halogen acid content of at least three percent, the acid product is used in a manufacturing process, and, except for hazardous waste burned as fuel, hazardous waste fed to the furnace has a minimum halogen content of 20 percent, as generated, and

Any other such device as the Agency determines to be an industrial furnace **"Industrial-Furnace"** on the basis of one or more of the following factors:

The design and use of the device primarily to accomplish recovery of material products;

The use of the device to burn or reduce raw materials to make a material product;

The use of the device to burn or reduce secondary materials as effective substitutes for raw materials, in processes using raw materials as principal feedstocks;

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The use of the device to burn or reduce secondary materials as ingredients in an industrial process to make a material product;

The use of the device in common industrial practice to produce a material product; and

Other relevant factors.

"Individual generation site" means the contiguous site at or on which one or more hazardous wastes are generated. An individual generation site, such as a large manufacturing plant, may have one or more sources of hazardous waste but is considered a single or individual generation site if the site or property is contiguous.

"Infrared incinerator" means any enclosed device that which uses electric powered resistance heaters as a source of radiant heat followed by an afterburner using controlled flame combustion and which is not listed as an industrial furnace.

"Inground tank" means a device meeting the definition of "tank" whereby a portion of the tank wall is situated to any degree within the ground, thereby preventing visual inspection of that external surface area of the tank that is in the ground.

"In operation" refers to a facility that which is treating, storing, or disposing of hazardous waste.

"Injection well" means a well into which fluids are being injected. (See also "underground injection".)

"Inner liner" means a continuous layer of material placed inside a tank or container that which protects the construction materials of the tank or container from the contained waste or reagents used to treat the waste.

"Installation inspector" means a person who, by reason of knowledge of the physical sciences and the principles of engineering, acquired by a professional education and related practical experience, is qualified to supervise the installation of tank systems.

"International shipment" means the transportation of hazardous waste into or out of the jurisdiction of the United States.

"Lamp" or "universal waste lamp" means the bulb or tube portion of an electric lighting device. A lamp is specifically designed to produce radiant energy, most often in the ultraviolet, visible, or infrared regions of the electromagnetic spectrum. Examples of common universal

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waste lamps include, but are not limited to, fluorescent, high intensity discharge, neon, mercury vapor, high pressure sodium, and metal halide lamps.

"Land treatment facility" means a facility or part of a facility at which hazardous waste is applied onto or incorporated into the soil surface; such facilities are disposal facilities if the waste will remain after closure.

"Landfill" means a disposal facility or part of a facility where hazardous waste is placed in or on land and which is not a pile, a land treatment facility, a surface impoundment, an underground injection well, a salt dome formation, a salt bed formation, an underground mine, a cave, or a corrective action management unit (CAMU).

"Landfill cell" means a discrete volume of a hazardous waste landfill that which uses a liner to provide isolation of wastes from adjacent cells or wastes. Examples of landfill cells are trenches and pits.

"LDS" means leak detection system.

"Leachate" means any liquid, including any suspended components in the liquid, that has percolated through or drained from hazardous waste.

"Liner" means a continuous layer of natural or manmade materials beneath or on the sides of a surface impoundment, landfill, or landfill cell, that which restricts the downward or lateral escape of hazardous waste, hazardous waste constituents, or leachate.

"Leak-detection system" means a system capable of detecting the failure of either the primary or secondary containment structure or the presence of a release of hazardous waste or accumulated liquid in the secondary containment structure. Such a system must employ operational controls (e.g., daily visual inspections for releases into the secondary containment system of aboveground tanks) or consist of an interstitial monitoring device designed to detect continuously and automatically the failure of the primary or secondary containment structure or the presence of a release of hazardous waste into the secondary containment structure.

"Management" or "hazardous waste management" means the systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery, and disposal of hazardous waste.

"Manifest" means the shipping document originated and signed by the generator that which contains the information required by 35 Ill. Adm. Code 722.Subpart B.

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"Manifest document number" means the USEPA twelve digit identification number assigned to the generator plus a unique five digit document number assigned to the manifest by the generator for recording and reporting purposes.

~~"Mercury-containing lamp" means an electric lamp into which mercury is purposely introduced by the manufacturer for the operation of the lamp. Mercury-containing lamps include, but are not limited to, fluorescent lamps and high intensity discharge lamps.~~  
~~60400-N045--the definition of "mercury-containing lamp" was added pursuant to Section 22.22a of the Act (415-16CS-5/2222a1-15see P-A 90-5027 effective August 19-1997).~~

"Military munitions" means all ammunition products and components produced or used by or for the United States 9-S Department of Defense or the United States 9-S Armed Services for national defense and security, including military munitions under the control of the United States 9-S Department of Defense, the United States 9-S Coast Guard, the United States 9-S Department of Energy (USDOE 9-S--90B), and National Guard personnel. The term military munitions includes: confined gaseous, liquid, and solid propellants, explosives, pyrotechnics, chemical and riot control agents, smokes, and incendiaries used by USDOD 9-S--90B components, including bulk explosive and chemical warfare agents, chemical munitions, rockets, guided and ballistic missiles, bombs, warheads, mortar rounds, artillery ammunition, small arms ammunition, grenades, mines, torpedoes, depth charges, cluster munitions and dispensers, demolition charges and devices, and components of these items and devices. Military munitions do not include wholly inert items, improvised explosive devices, and nuclear weapons, nuclear devices, and nuclear components of these items and devices. However, the term does include non-nuclear components of nuclear devices, managed under USDOD's 9-S-90B's nuclear weapons program after all sanitization operations required under the Atomic Energy Act of 1954, as amended, have been completed.

"Mining overburden returned to the mine site" means any material overlying an economic mineral deposit which is removed to gain access to that deposit and is then used for reclamation of a surface mine.

"Miscellaneous unit" means a hazardous waste management unit where hazardous waste is treated, stored, or disposed of and that is not a container; tank; surface impoundment; pile; land treatment unit; landfill; incinerator; boiler; industrial furnace; underground injection well with appropriate technical standards under 35 Ill. Adm. Code 730; containment building; corrective action management unit (CAMU); unit eligible for a research, development, and demonstration permit under 35 Ill. Adm. Code 703.231; or staging pile.

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"Movement" means that hazardous waste that is transported to a facility in an individual vehicle.

"New hazardous waste management facility" or "new facility" means a facility that which began operation, or for which construction commenced, after November 19, 1980. (See also "Existing hazardous waste management facility".)

"New tank system" or "new tank component" means a tank system or component that will be used for the storage or treatment of hazardous waste and for which installation commenced after July 14, 1986; except, however, for purposes of 35 Ill. Adm. Code 724.293(g)(2) and 725.293(g)(2), a new tank system is one for which construction commenced commences after July 14, 1986. (See also "existing tank system".)

"Onground tank" means a device meeting the definition of "tank" that is situated in such a way that the bottom of the tank is on the same level as the adjacent surrounding surfaces so that the external tank bottom cannot be visually inspected.

"On-site" means the same or geographically contiguous property which may be divided by public or private right-of-way, provided the entrance and exit between the properties is at a crossroads intersection and access is by crossing as opposed to going along the right-of-way. Noncontiguous properties owned by the same person but connected by a right-of-way which he controls and to which the public does not have access is also considered on-site property.

"Open burning" means the combustion of any material without the following characteristics:

Control of combustion air to maintain adequate temperature for efficient combustion;

Containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion; and

Control of emission of the gaseous combustion products.

(See also "incineration" and "thermal treatment".)

"Operator" means the person responsible for the overall operation of a facility.

"Owner" means the person that owns a facility or part of a facility.



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"Partial closure" means the closure of a hazardous waste management unit in accordance with the applicable closure requirements of 35 Ill. Adm. Code 724 or 725 at a facility that which contains other active hazardous waste management units. For example, partial closure may include the closure of a tank (including its associated piping and underlying containment systems), landfill cell, surface impoundment, waste pile, or other hazardous waste management unit, while other units of the same facility continue to operate.

"Person" means an individual, trust, firm, joint stock company, federal agency, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of a state, or any interstate body.

"Personnel" or "facility personnel" means all persons who work at or oversee the operations of a hazardous waste facility and whose actions or failure to act may result in noncompliance with the requirements of 35 Ill. Adm. Code 724 or 725.

"Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest or intended for use as a plant regulator, defoliant, or desiccant, other than any article that fulfills one of the following descriptions:

It is a new animal drug under section 201(v) of the Federal Food, Drug and Cosmetic Act (FFDCA; 21 USC 321(v)), incorporated by reference in Section 720.111r

It is an animal drug that has been determined by regulation of the federal Secretary of Health and Human Services pursuant to FFDCA section 512, incorporated by reference in Section 720.111, to be an exempted new animal drug; or

It is an animal feed under FFDCA section 201(w) (21 USC 321(w)), incorporated by reference in Section 720.111, that bears or contains any substances described in either of the two preceding paragraphs subsections of this definition.

BOARD NOTE: The second exception of corresponding 40 CFR 260.10 reads as follows: "Is an animal drug that has been determined by regulation of the Secretary of Health and Human Services not to be a new animal drug". This is very similar to the language of section 21(u) of the Federal Insecticide, Fungicide, and Rodenticide Act (FFIRA; 7 USC 136(u)). The three exceptions, taken together, appear intended not to include as "pesticide" any material within the scope of federal Food and Drug Administration regulation. The Board codified this provision with the intent of retaining the same meaning as its federal counterpart while adding the definiteness required under Illinois law.

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"Pile" means any noncontained accumulation of solid, non-flowing hazardous waste that is used for treatment or storage, and that is not a containment building.

"Plasma arc incinerator" means any enclosed device that which uses a high intensity electrical discharge or arc as a source of heat followed by an afterburner using controlled flame combustion and which is not listed as an industrial furnace.

"Point source" means any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

"Publicly owned treatment works" or "POTW" is as defined in 35 Ill. Adm. Code 310.110.

"Qualified groundwater scientist" means a scientist or engineer who has received a baccalaureate or post-graduate degree in the natural sciences or engineering, and has sufficient training and experience in groundwater hydrology and related fields, as demonstrated by state registration, professional certifications, or completion of accredited university courses that enable the individual to make sound professional judgments regarding groundwater monitoring and containment rate and transport.

BOARD NOTE: "State registration" includes, but is not limited to, registration as a professional engineer with the Department of Professional Regulation, pursuant to 225 ILCS 325 and 68 Ill. Adm. Code 1380. "Professional certification" includes, but is not limited to, certification under the certified groundwater professional program of the National Ground Water Association.

"Regional Administrator" means the Regional Administrator for the USEPA Region in which the facility is located or the Regional Administrator's designee.

"Remediation waste" means all solid and hazardous wastes, and all media (including groundwater, surface water, soils, and sediments) and debris that contain listed hazardous wastes or which themselves exhibit a hazardous waste characteristic that which are managed for the purpose of implementing cleanup.

"Remediation waste management site" means a facility where an owner or operator is or will be treating, storing, or disposing of hazardous remediation wastes. A remediation waste management site is not a facility that is subject to corrective action under 35 Ill. Adm. Code

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724.201, but a remediation waste management site is subject to corrective action requirements if the site is located in such a facility.

"Replacement unit" means a landfill, surface impoundment, or waste pile unit from which all or substantially all of the waste is removed, and which is subsequently reused to treat, store, or dispose of hazardous waste. "Replacement unit" does not include a unit from which waste is removed during closure, if the subsequent reuse solely involves the disposal of waste from that unit and other closing units or corrective action areas at the facility, in accordance with a closure or corrective action plan approved by USEPA or the Agency.

"Representative sample" means a sample of a universe or whole (e.g., waste pile, lagoon, groundwater) that which can be expected to exhibit the average properties of the universe or whole.

"Runoff" means any rainwater, leachate, or other liquid that drains over land from any part of a facility.

"Runon" means any rainwater, leachate, or other liquid that drains over land onto any part of a facility.

"Saturated zone" or "zone of saturation" means that part of the earth's crust in which all voids are filled with water.

"SIC Code" means Standard Industrial Classification Code as defined in Standard Industrial Classification Manual, incorporated by reference in Section 720.111.

"Sludge" means any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility, exclusive of the treated effluent from a wastewater treatment plant.

"Sludge dryer" means any enclosed thermal treatment device that which is used to dehydrate sludge and which has a total thermal input, excluding the heating value of the sludge itself, of 2500 Btu/lb or less of sludge treated on a wet weight basis.

"Small quantity generator Quantity-Generator" means a generator that which generates less than 1000 kg of hazardous waste in a calendar month.

"Solid waste" means a solid waste as defined in 35 Ill. Adm. Code 721.102.

"Sorbent" means a material that is used to soak up free liquids by

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either adsorption or absorption, or both. "Sorb" means to either adsorb or absorb, or both.

"Staging pile" means an accumulation of solid, non-flowing "remediation waste" (as defined in this Section) that is not a containment building and that is used only during remedial operations for temporary storage at a facility. Staging piles must be designated by the Agency according to the requirements of 35 Ill. Adm. Code 724.654.

"State" means any of the several states, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"Storage" means the holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of, or stored elsewhere.

"Sump" means any pit or reservoir that meets the definition of tank and those troughs or trenches connected to it that serve to collect hazardous waste for transport to hazardous waste storage, treatment, or disposal facilities; except that, as used in the landfill, surface impoundment, and waste pile rules, "sump" means any lined pit or reservoir that serves to collect liquids drained from a leachate collection and removal system or leak detection system for subsequent removal from the system.

"Surface impoundment" or "impoundment" means a facility or part of a facility that which is a natural topographic depression, manmade excavation, or diked area formed primarily of earthen materials (although it may be lined with manmade materials) which is designed to hold an accumulation of liquid wastes or wastes containing free liquids and which is not an injection well. Examples of surface impoundments are holding, storage, settling, and aeration pits, ponds, and lagoons.

"Tank" means a stationary device, designed to contain an accumulation of hazardous waste, that is constructed primarily of nonearthen materials (e.g., wood, concrete, steel, plastic) which provide structural support.

"Tank system" means a hazardous waste storage or treatment tank and its associated ancillary equipment and containment system.

"TEQ" means toxicity equivalence, the international method of relating the toxicity of various dioxin and furan congeners to the toxicity of 2,3,7,8-tetra-chlorodibenzo-p-dioxin.

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"Thermal treatment" means the treatment of hazardous waste in a device that which uses elevated temperatures as the primary means to change the chemical, physical, or biological character or composition of the hazardous waste. Examples of thermal treatment processes are incineration, molten salt, pyrolysis, calcination, wet air oxidation, and microwave discharge. (See also "incinerator" and "open burning".)

"Thermostat" means a temperature control device that contains metallic mercury in an ampule attached to a bimetal sensing element and mercury-containing ampules that have been removed from such a temperature control device in compliance with the requirements of 35 Ill. Adm. Code 733.113(c)(2) or 733.133(c)(2).

"Totally enclosed treatment facility" means a facility for the treatment of hazardous waste that which is directly connected to an industrial production process and which is constructed and operated in a manner which prevents the release of any hazardous waste or any constituent thereof into the environment during treatment. An example is a pipe in which waste acid is neutralized.

"Transfer facility" means any transportation related facility, including loading docks, parking areas, storage areas, and other similar areas where shipments of hazardous waste are held during the normal course of transportation.

"Transport vehicle" means a motor vehicle or rail car used for the transportation of cargo by any mode. Each cargo-carrying body (trailer, railroad freight car, etc.) is a separate transport vehicle.

"Transportation" means the movement of hazardous waste by air, rail, highway, or water.

"Transporter" means a person engaged in the off-site transportation of hazardous waste by air, rail, highway, or water.

"Treatability study" means:

A study in which a hazardous waste is subjected to a treatment process to determine:

Whether the waste is amenable to the treatment process;

What pretreatment (if any) is required;

The optimal process conditions needed to achieve the desired treatment;

The efficiency of a treatment process for a specific waste

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or wastes; and-

The characteristics and volumes of residuals from a particular treatment process;

Also included in this definition for the purpose of 35 Ill. Adm. Code 721.104(e) and (f) exemptions are liner compatibility, corrosion, and other material compatibility studies and toxicological and health effects studies. A "treatability study" is not a means to commercially treat or dispose of hazardous waste.

"Treatment" means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize the such waste, so--as--to recover energy or material resources from the waste, or so--as--to render the such waste non-hazardous or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for storage, or reduced in volume.

"Treatment zone" means a soil area of the unsaturated zone of a land treatment unit within which hazardous constituents are degraded, transformed, or immobilized.

"Underground injection" means the subsurface emplacement of fluids through a bored, drilled, or driven well, or through a dug well, where the depth of the dug well is greater than the largest surface dimension. (See also "injection well".)

"Underground tank" means a device meeting the definition of "tank" whose entire surface area is totally below the surface of and covered by the ground.

"Unfit-for-use tank system" means a tank system that has been determined, through an integrity assessment or other inspection, to be no longer capable of storing or treating hazardous waste without posing a threat of release of hazardous waste to the environment.

"United States" means the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"Universal waste" means any of the following hazardous wastes that are managed under the universal waste requirement of 35 Ill. Adm. Code 733:

Batteries, as described in 35 Ill. Adm. Code 733.102;

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

Pesticides, as described in 35 Ill. Adm. Code 733.103;

Thermostats, as described in 35 Ill. Adm. Code 733.104; and

Lamps ~~Mercury-containing lamps~~, as described in 35 Ill. Adm. Code 733.105 733.107.

~~BOARD-NPDES-Mercury-containing lamps--were--added--as--universal waste--pursuant--to Section--22.23e--of--the--Act--(415-1565-5/22-23e) (see-P.A.-98-567, effective-August-19, 1997);~~

"Universal waste handler" means either of the following:

A generator (as defined in this Section) of universal waste; or

The owner or operator of a facility, including all contiguous property, that receives universal waste from other universal waste handlers, accumulates the universal waste, and sends that universal waste to another universal waste handler, to a destination facility, or to a foreign destination.

"Universal waste handler" does not mean:

A person that treats (except under the provisions of Section 733.113(a) or (c) or 733.133(a) or (c)), disposes of, or recycles universal waste; or

A person engaged in the off-site transportation of universal waste by air, rail, highway, or water, including a universal waste transfer facility.

"Universal waste transporter" means a person engaged in the off-site transportation of universal waste by air, rail, highway, or water.

"Unsaturated zone" or "zone of aeration" means the zone between the land surface and the water table.

"Uppermost aquifer" means the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer within the facility's property boundary.

"USDOP" or "Department of Transportation" means the United States Department of Transportation.

"Used oil" means any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use is contaminated by physical or chemical impurities.

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"USEPA" or "EPA" or "U.S. EPA" means the United States Environmental Protection Agency.

"Vessel" includes every description of watercraft used or capable of being used as a means of transportation on the water.

"Wastewater treatment unit" means a device of which the following is true:

It is ~~is~~ part of a wastewater treatment facility that which has an NPDES permit pursuant to 35 Ill. Adm. Code 309 or a pretreatment permit or authorization to discharge pursuant to 35 Ill. Adm. Code 310; and

It receives ~~Receives~~ and treats or stores an influent wastewater that which is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or generates and accumulates a wastewater treatment sludge which is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or treats or stores a wastewater treatment sludge which is a hazardous waste as defined in 35 Ill. Adm. Code 721.103; and

It meets ~~Meets~~ the definition of tank or tank system in this Section.

"Water (bulk shipment)" means the bulk transportation of hazardous waste that which is loaded or carried on board a vessel without containers or labels.

"Well" means any shaft or pit dug or bored into the earth, generally of a cylindrical form, and often walled with bricks or tubing to prevent the earth from caving in.

"Well injection" (See "underground injection").

"Zone of engineering control" means an area under the control of the owner or operator that, upon detection of a hazardous waste release, can be readily cleaned up prior to the release of hazardous waste or hazardous constituents to groundwater or surface water.

(Source: Amended at 24 Ill. Reg. **94 43**, effective June 20, 2000)

## Section 720.111 References

The following documents are incorporated by reference for the purposes of this Part and 35 Ill. Adm. Code 703 through 705, 721 through 726, 728, 730, 733, 738, and 739:

a) Non-Regulatory Government Publications and Publications of Recognized

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~~Organizations and Associations: the following publications are incorporated by reference for the purposes of this Part and 35-iii-Adm: Code--763--through-765, 771 through 767, 768, 769, 773, 776, and 779:~~

ACI. Available from the American Concrete Institute, Box 19150, Redford Station, Detroit, Michigan 48219:

ACI 318-83: "Building Code Requirements for Reinforced Concrete", adopted September 1983.

ANSI. Available from the American National Standards Institute, 1430 Broadway, New York, New York 10018, 212-354-3300:

ANSI B31.3 and B31.4. See ASME/ANSI B31.3 and B31.4.

API. Available from the American Petroleum Institute, 1220 L Street, N.W., Washington, D.C. 20005, 202-682-8000:

"Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems", API Recommended Practice 1632, Second Edition, December 1987.

"Evaporative Loss from External Floating-Roof Tanks", API Publication 2517, Third Edition, February 1989.

"Guide for Inspection of Refinery Equipment, Chapter XIII, Atmospheric and Low Pressure Storage Tanks", 4th Edition, 1981, reaffirmed December 1987.

"Installation of Underground Petroleum Storage Systems", API Recommended Practice 1615, Fourth Edition, November 1987.

APTI. Available from the Air and Waste Management Association, Box 2861, Pittsburgh, PA 15230, 412-232-3444:

APTI Course 415: Control of Gaseous Emissions, USEPA Publication EPA-450/2-81-005, December 1981.

ASME. Available from the American Society of Mechanical Engineers, 345 East 47th Street, New York, NY 10017, 212-705-7722:

"Chemical Plant and Petroleum Refinery Piping", ASME/ANSI B31.3-1987, as supplemented by B31.3a-1988 and B31.3b-1988. Also available from ANSI.

"Liquid Transportation Systems for Hydrocarbons, Liquid

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Petroleum Gas, Anhydrous Ammonia, and Alcohols", ASME/ANSI B31.4-1986, as supplemented by B31.4a-1987. Also available from ANSI.

ASTM. Available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103, 215-299-5400:

ASTM C 94-90, Standard Specification for Ready-Mixed Concrete, approved March 30, 1990.

ASTM D 88-87, Standard Test Method for Saybolt Viscosity, April 24, 1981, reapproved January 1987.

ASTM D 93-85, Standard Test Methods for Flash Point by Pensky - Martens Closed Tester, approved October 25, 1985.

ASTM D 1946-90, Standard Practice for Analysis of Reformed Gas by Gas Chromatography, approved March 30, 1990.

ASTM D 2161-87, Standard Practice for Conversion of Kinematic Viscosity to Saybolt Universal or to Saybolt Furol Viscosity, March 27, 1987.

ASTM D 2267-88, Standard Test Method for Aromatics in Light Naphthas and Aviation Gasolines by Gas Chromatography, approved November 17, 1988.

ASTM D 2382-88, Standard Test Method for Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High Precision Method), approved October 31, 1986.

ASTM D 2979-92, Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoreniscopes, approved 1992.

ASTM D 3828-87, Standard Test Methods for Flash Point of Liquids by Setflash Closed Tester, approved December 14, 1988.

ASTM E 168-88, Standard Practices for General Techniques of Infrared Quantitative Analysis, approved May 27, 1988.

ASTM E 169-87, Standard Practices for General Techniques of Ultraviolet-Visible Quantitative Analysis, approved February 1, 1987.

ASTM E 260-85, Standard Practice for Packed Column Gas Chromatography, approved June 28, 1985.



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ASTM Method G 21-70 (1984a)1. -- Standard Practice for Determining Resistance of Synthetic Polymer Materials to Fungi.

ASTM Method G 22-76 (1984b)1. -- Standard Practice for Determining Resistance of Plastics to Bacteria.

MICE. Methods Information Communication Exchange Service, 703-821-4690:

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication number SW-846, Update IIIA (April 1998).

GPO. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, 202-512-1800:

Standard Industrial Classification Manual (1972), and 1977 Supplement, republished in 1983.

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication number SW-846 (Third Edition, November 1986), as amended by Updates I (July 1992), II (September 1994), IIA (August, 1993), IIB (January 1995), and III (December 1996) (Document Number 955-001-00000-1).

NACE. Available from the National Association of Corrosion Engineers, 1400 South Creek Dr., Houston, TX 77084, 713-492-0535:

"Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems", NACE Recommended Practice RP-02-85, approved March 1985.

NFPA. Available from the National Fire Protection Association, Batterymarch Park, Boston, MA 02269, 617-770-3000 or 800-344-3555:

"Flammable and Combustible Liquids Code" NFPA 30, issued July 17, 1987. Also available from ANSI.

NTIS. Available from the U.S. Department of Commerce, National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, 703-605-6000 or 800-553-6847:

APTI Course 415: Control of Gaseous Emissions, USEPA Publication EPA-450/2-81-005, December 1981.

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"Generic Quality Assurance Project Plan for Land Disposal Restrictions Program", EPA/530-SW-87-011, March 15, 1987 (document **Document Number PB-88-170766**).

"Guideline on Air Quality Models". Revised 19867 (document **Document Number PB86-245-248** (Guideline) and **PB88-150-958** (Supplement), also set forth at 40 CFR 51, Appendix W).

"Method 164, Revision A, n-Hexane Extractable Material (HEM; Oil and Grease) and Silica Gel Treated n-Hexane Extractable Material (SGT-HEM; Non-polar Material) by Extraction and Gravimetry" (document **Document Number PB99-121949**).

"Methods for Chemical Analysis of Water and Wastes", Third Edition, March 1983 (document **Document Number PB-84-128677**).

"Methods Manual for Compliance with BIF Regulations", December 1990 (document **Document Number PB91-120-006**).

"Petitions to Delist Hazardous Wastes -- A Guidance Manual, Second Edition", EPA/530-R-93-007, March 1993 (document **Document Number PB-93-169 365**).

"Screening Procedures for Estimating the Air Quality Impact of Stationary Sources", October 1992, Publication Number EPA-450/R-92-019.

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication number SW-846 (Third Edition, November 1986), as amended by Updates I (July 1992), II (September 1994), IIA (August 1993), IIB (January 1995), III (December 1996), and IIIA (April 1998) (document number **Document-Number 955-001-00000-1**).

OECD. Organisation for Economic Co-operation and Development, Environment Directorate, 2 rue Andre Pascal, 75775 Paris Cedex 16, France7:

OECD Guideline for Testing of Chemicals, Method 301B: "CO12 Evolution (Modified Sturm Test)", adopted 17 July 1992.

Table 2.B of the Annex of OECD Council Decision C(88)90(Final) of 27 May 1988.

STI. Available from the Steel Tank Institute, 728 Anthony Trail, Northbrook, IL 60062, 708-498-1980:

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"Standard for Dual Wall Underground Steel Storage Tanks" (1986).

USDOD W-8-S-88B. Available from the United States Department of Defense:

"DOD Ammunition and Explosive Safety Standards" (DOD 6055.9-STD), as in effect on November 8, 1995.

The Motor Vehicle Inspection Report (DD Form 626), as in effect on November 8, 1995.

Requisition Tracking Form (DD Form 1348), as in effect on November 8, 1995.

The Signature and Tally Record (DD Form 1907), as in effect on November 8, 1995.

Special Instructions for Motor Vehicle Drivers (DD Form 836), as in effect on November 8, 1995.

USEPA. Available from United States Environmental Protection Agency, Office of Drinking Water, State Programs Division, WH 550 E, Washington, D.C. 20460:

"Technical Assistance Document: Corrosion, Its Detection and Control in Injection Wells", EPA 570/9-87-002, August 1987.

USEPA. Available from Receptor Analysis Branch, USEPA (MD-14), Research Triangle Park, NC 27711:

"Screening Procedures for Estimating the Air Quality Impact of Stationary Sources, Revised", October 1992, Publication Number EPA-450/R-92-019.

USEPA. Available from RCRA Information Center (RIC), 1235 Jefferson-Davis Highway, first floor, Arlington, VA 22203 (Docket #F-94-1EHP-FFFFF):

OECD Amber List of Wastes, Appendix 4 to the OECD Council Decision C(92)39/FINAL (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations) (May 1993).

OECD Green List of Wastes, Appendix 3 to the OECD Council Decision C(92)39/FINAL (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery

## POLLUTION CONTROL BOARD

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Operations) (May 1994).

OECD Red List of Wastes, Appendix 5 to the OECD Council Decision C(92)39/FINAL (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations) (May 1993).

Table 2.B of the Annex of OECD Council Decision C(88)90(Final) (May 27, 1988).

USGSA W-8-S-88A. Available from the United States Government Services Administration:

Government Bill of Lading (GBL) (GSA Standard Form 1109), as in effect on November 8, 1995.

b) Code of Federal Regulations. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401, 202-783-3238:

10 CFR 20, Appendix B (1999)1998)

40 CFR 51.100(ii) (1999)1998)

40 CFR 51, Appendix W (1999)1998)

40 CFR 52.741, Appendix B (1999)1998)

40 CFR 60 (1999)1998)

40 CFR 61, Subpart V (1999)1998)

40 CFR 63 (1999)1998)

40 CFR 136 (1999)1998), as corrected at 63 Fed. Reg. 38756 (July 29, 1998) and 63 Fed. Reg. 44146 (Aug. 19, 1998) and amended at 62 Fed. Reg. 56367 (Sept. 21, 1997); 64 Fed. Reg. 4915 (Feb. 5, 1999); 64 Fed. Reg. 26355 (May 14, 1999) and 64 Fed. Reg. 73414 (December 30, 1999)

40 CFR 142 (1999)1998)

40 CFR 220 (1999)1998)

40 CFR 232.2 (1999)1998)

40 CFR 260.20 (1999)1998)

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- 40 CFR 264 (~~1999~~1998)
- 40 CFR 268.41 (1990)
- 40 CFR 268.Appendix IX (~~1999~~1998)
- 40 CFR 270.5 (~~1999~~1998)
- 40 CFR 302.4, 302.5, and 302.6 (~~1999~~1998)
- 40 CFR 761 (~~1999~~1998)
- 49 CFR 171 (~~1999~~1998)
- 49 CFR 173 (~~1999~~1998)
- 49 CFR 178 (~~1999~~1998)
- c) Federal Statutes
- Section 3004 of the Resource Conservation and Recovery Act (42 USC 6901 et seq.), as amended through December 31, 1987.
- Sections 201(v), 201(w), and 360b(j) of the Federal Food, Drug, and Cosmetic Act (FFDCA; 21 USC 321(v), 321(w), and 512(j)), as amended through October 25, 1994.
- Section 1412 of the Department of Defense Authorization Act of 1986, Pub. L. 99-145, 50 USC 1521(j)(1) (1997).
- d) This Section incorporates no later editions or amendments.

(Source: Amended at 24 Ill. Reg. **9443**, effective June 20, 2000)

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- 1) Heading of the Part: Identification And Listing Of Hazardous Waste
- 2) Code citation: 35 Ill. Adm. Code 721
- 3) Section Numbers: Proposed Action:  
 721.109 Amend  
 721.132 Amend  
 721.133 Amend  
 721.138 Amend  
 APPENDIX G Add  
 APPENDIX H Add  
 APPENDIX Y Add
- 4) Statutory authority: 415 ILCS 5/7.2, 22.4, and 27.
- 5) Effective date of amendments: June 20, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) these amendments contain incorporations by reference? No. Although the existing text of Part 721 includes incorporations by reference, the present amendments do not affect those incorporations.
- 8) Statement of availability: The adopted amendments, a copy of the Board's opinion and order adopted May 18, 2000, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.
- 9) Notice of proposal published in Illinois Register: March 24, 2000, 24 Ill. Reg. 4438
- 10) Has JC&R issued a Statement of Objections to these rules? No. Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking was not subject to Section 5-35 of the APA, it was not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JC&R).
- 11) Differences between proposal and final version: The following table summarizes the differences between the amendments proposed by the Board in an opinion and order dated March 2, 2000, in docket R00-13, and the amendments adopted on May 18, 2000. Many of the differences are explained in greater detail in the Board's opinion and order of May 18, 2000.

Section Revised      Source(s) of Revision(s)  
 Revision(s)

## POLLUTION CONTROL BOARD

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721. Source note	Board	Removed references to the "PCB" reporter (five times); removed commas before "at" (twice)
721.132 "K140"	Board	Deleted as a segment of the March 17, 2000 federal amendments
721.132 "K158"	JCAR	Changed "bag house" to "baghouse"
721.132 "K148"	JCAR	Added a comma after the word "including" to offset a parenthetical
721.133(a)	Board	Removed an unnecessary comma
721.133(b)	Board	Changed "which" to "that" for a restrictive relative clause
721.133(c)	Board	Added a comma to offset a parenthetical
721.133(c) Board note	Board	Changed commas to semicolons to separate major elements of a series containing subseries (twice); deleted the word "being"
721.133(d)	Board	Removed unnecessary commas (twice); changed "which" to "that" for a restrictive relative clause
721.133(d) Board note	Board	Added "of this Part" to correct cross-reference format
721.133(e)	Board	Removed an unnecessary comma; added the words "the following"

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721.133(e) Board note	Board	Added a comma to offset a parenthetical; changed "only is listed" to "is only listed"
721.133(f)	Board	Added the words "the following"
721.133(f) "U408"	Board	Deleted as a segment of the March 17, 2000 federal amendments
721.138(c)(1)(B)	JCAR	Added a comma after the word "circulation" to offset a parenthetical
721.138(c)(1)(B)(v)	JCAR	Deleted an unnecessary comma after the word "office"
721.138(c)(2)	JCAR	Corrected cross-reference to "subsections (a) or (b) and (c)(1) of this Section"
721.138(c)(7)	JCAR	Changed "which" to "that" for a restrictive relative clause
721.138(c)(10)(H)	JCAR	Corrected to plural "include"
721.138(c)(10)(H)(vi)	JCAR	Changed "which" to "that" for a restrictive relative clause
721.138(c)(12)	JCAR	Corrected to singular "its"
721.138(d)	Board	Corrected the ending punctuation to a period
721.App. G "K140"	Board	Deleted as a segment of the March 17, 2000 federal amendments
721.App. G end note	Board	Added a comma to offset the final element of a series

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- 721.App. H Board Deleted as a segment of the March 17, 2000 federal amendments
- 721.App. H end note Added "that are" for enhanced clarity
- 721.App. Y "cadmium" USEPA, IEPA Moved "1.2" from the "concentration limit" column to the "detection limit" column
- 721.App. Y "oxygenates" USEPA Corrected the spelling of the heading "oxygenates"
- 721.App. Y "isosafrrole" USEPA, IEPA Corrected the quantity in the "concentration limit" column to "2400"
- 721.App. Y "4-nitroaniline" IEPA Corrected the quantity in the "concentration limit" column to "2400"
- 721.App. Y "aramite" USEPA Corrected the CAS number to "140-57-8"
- 721.App. Y "2-chloro-naphthalene" USEPA Corrected the spelling of "2-chloronaphthalene"
- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 22.4(a) of the Environmental Protection Act (415 ILCS 5/22.4(a)) provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

- 13) Will these amendments replace emergency amendments currently in effect? No

- 14) Are there any other amendments pending on this Part? No

- 15) Summary and purpose of amendments: A more detailed description is contained in the Board's opinion and order of May 18, 2000, adopting amendments in docket R00-13, which opinion and order is available from the address below. As is explained in that opinion, the Board delayed filing the adopted amendments for 30 days from the date the Board voted to adopt them in order to allow the United States Environmental Protection Agency

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(USEPA) an opportunity to comment on the amendments before they became effective.

This proceeding updates the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the *Federal Register* during the update period of July 1, 1999 through December 31, 1999. Please refer to the corresponding segment of the questionnaire in the Notice of Adopted Amendments for 35 Ill. Adm. Code 720 that appears elsewhere in this issue of the *Illinois Register*. That Notice includes a detailed outline of the federal actions involved in the broader proceeding of which the amendments to Part 721 are a single segment.

Specifically, the amendments to Part 721 implement segments of the federal July 6, 1999 designation of lamps as universal waste, the September 30, 1999 hazardous waste combustor rule, the October 20, 1999 corrections to the Phase IV LDRs, the November 19, 1999 corrections to the hazardous waste combustor rule, and the March 17, 2000 withdrawal of the organobromide waste listings and LDRs.

Section 22.4 of the Environmental Protection Act (415 ILCS 5/22.4) provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking was not subject to Section 5-35 of the APA, it was not subject to First Notice or to Second Notice review by JCAR.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge  
Attorney  
Illinois Pollution Control Board  
100 W. Randolph 11-500  
Chicago, IL 60601  
312-614-6324

Request copies of the Board's opinion and order of May 18, 2000, from Patricia Jones, at 312-614-3620. Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at <http://www.ipcb.state.il.us>.

The full text of the adopted amendments begins on the next page:



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## TITLE 35: ENVIRONMENTAL PROTECTION

## SUBTITLE G: WASTE DISPOSAL

## CHAPTER 1: POLLUTION CONTROL BOARD

## SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

## PART 721

## IDENTIFICATION AND LISTING OF

## HAZARDOUS WASTE

## SUBPART A: GENERAL PROVISIONS

## Section

721.101 Purpose and Scope

721.102 Definition of Solid Waste

721.103 Definition of Hazardous Waste

721.104 Exclusions

721.105 Special Requirements for Hazardous Waste Generated by Small Quantity

Generators

721.106 Requirements for Recyclable Materials

721.107 Residues of Hazardous Waste in Empty Containers

721.108 PCB Wastes Regulated under TSCA

721.109 Requirements for Universal Waste

## SUBPART B: CRITERIA FOR IDENTIFYING THE

## CHARACTERISTICS OF HAZARDOUS WASTE

## AND FOR LISTING HAZARDOUS WASTES

## Section

721.110 Criteria for Identifying the Characteristics of Hazardous Waste

721.111 Criteria for Listing Hazardous Waste

## SUBPART C: CHARACTERISTICS OF HAZARDOUS WASTE

## Section

721.120 General

721.121 Characteristic of Ignitability

721.122 Characteristic of Corrosivity

721.123 Characteristic of Reactivity

721.124 Toxicity Characteristic

## SUBPART D: LISTS OF HAZARDOUS WASTE

## Section

721.130 General

721.131 Hazardous Wastes From Nonspecific Sources

721.132 Hazardous Waste from Specific Sources

721.133 Discarded Commercial Chemical Products, Off-Specification Species,

Container Residues, and Spill Residues Thereof

## POLLUTION CONTROL BOARD

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## 721.135 Wood Preserving Wastes

## 721.138 Comparable or Syngas Fuel Exclusion

## APPENDIX A

## Representative Sampling Methods

## APPENDIX B Method 1311 Toxicity Characteristic Leaching Procedure (TCLP)

## APPENDIX C Chemical Analysis Test Methods

## TABLE A Analytical Characteristics of Organic Chemicals (Repealed)

## TABLE B Analytical Characteristics of Inorganic Species (Repealed)

## TABLE C Sample Preparation/Sample Introduction Techniques (Repealed)

## APPENDIX G Basis for Listing Hazardous Wastes

## APPENDIX H Hazardous Constituents

## APPENDIX I Wastes Excluded by Administrative Action

## TABLE A Wastes Excluded by U.S. EPA under 40 CFR 260.20 and 260.22 from

## Non-Specific Sources

## TABLE B Wastes Excluded by USEPA under 40 CFR 260.20 and 260.22 from

## Specific Sources

## TABLE C Wastes Excluded by U.S. EPA under 40 CFR 260.20 and 260.22 from

## Commercial Chemical Products, Off-Specification Species, Container

## Residues, and Soil Residues Thereof

## TABLE D Wastes Excluded by the Board by Adjusted Standard

## APPENDIX J Method of Analysis for Chlorinated Dibenzo-p-Dioxins and

## APPENDIX Y Dibenzofurans (Repealed)

## APPENDIX Z Table to Section 721.138

## Table to Section 721.102

AUTHORITY: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the Environmental Protection Act (415 ILCS 5/7.2, 22.4 and 27).

SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18 at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R83-19 at 7 Ill. Reg. 13999, effective October 12, 1983; amended in R84-34 at 8 Ill. Reg. 24562, effective December 11, 1984; amended in R84-9 at 9 Ill. Reg. 11834, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 998, effective January 2, 1986; amended in R85-2 at 10 Ill. Reg. 8112, effective May 2, 1986; amended in R86-1 at 10 Ill. Reg. 14002, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20647, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6035, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13466, effective August 4, 1987; amended in R87-32 at 11 Ill. Reg. 16698, effective September 30, 1987; amended in R87-5 at 11 Ill. Reg. 19303, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2456, effective January 15, 1988; amended in R87-30 at 12 Ill. Reg. 12070, effective July 12, 1988; amended in R87-39 at 12 Ill. Reg. 13006, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 382, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18300, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14401, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16472, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7950, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9332, effective June 17, 1991;

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amended in R91-1 at 15 Ill. Reg. 14473, effective September 30, 1991; amended in R91-12 at 16 Ill. Reg. 2155, effective January 27, 1992; amended in R91-26 at 16 Ill. Reg. 2600, effective February 3, 1992; amended in R91-13 at 16 Ill. Reg. 9519, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17666, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5650, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20568, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6741, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12175, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17490, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9522, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 10963, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 275, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7615, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17531, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1718, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9135, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9481, effective June 20, 2000.

## SUBPART A: GENERAL

## Section 721.109 Requirements for Universal Waste

The wastes listed in this Section are exempt from regulation under 35 Ill. Adm. Code 702 through 705, 722 through 726, and 728, except as specified in 35 Ill. Adm. Code 733, and are therefore not fully regulated as hazardous waste. The wastes listed in this Section are subject to regulation under 35 Ill. Adm. Code 733:

- Batteries, as described in 35 Ill. Adm. Code 733.102;
  - Pesticides, as described in 35 Ill. Adm. Code 733.103;
  - Thermostats, as described in 35 Ill. Adm. Code 733.104; and
  - Lamps Mercury-containing-lamps, as described in 35 Ill. Adm. Code 733.105 733.107.
- HBAB-NW82--Subsection-(d)-of-this-Section-was-added--pursuant--to Section--22-23a--of--the--Act--(415--168--5/22-23a)--(see--PA-90-562, effective-August-19-1997):

(Source: Amended at 24 Ill. Reg. 9481, effective June 20, 2000)

## SUBPART D: LISTS OF HAZARDOUS WASTE

## Section 721.132 Hazardous Waste from Specific Sources

The following solid wastes are listed hazardous wastes from specific sources unless they are excluded under 35 Ill. Adm. Code 720.120 and 720.122 and listed in Appendix I of this Part.

USEPA  
Hazardous

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Waste No.	Industry and Hazardous Waste	Hazard Code
	Wood Preservation:	
K001	Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote or pentachlorophenol.	(T)
	Inorganic Pigments:	
K002	Wastewater treatment sludge from the production of chrome yellow and orange pigments.	(T)
K003	Wastewater treatment sludge from the production of molybdate orange pigments.	(T)
K004	Wastewater treatment sludge from the production of zinc yellow pigments.	(T)
K005	Wastewater treatment sludge from the production of chrome green pigments.	(T)
K006	Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated).	(T)
K007	Wastewater treatment sludge from the production of iron blue pigments.	(T)
K008	Oven residue from the production of chrome oxide green pigments.	(T)
	Organic Chemicals:	
K009	Distillation bottoms from the production of acetaldehyde from ethylene.	(T)
K010	Distillation side cuts from the production of acetaldehyde from ethylene.	(T)
K011	Bottom stream from the wastewater stripper in the production of acrylonitrile.	(R,T)
K013	Bottom stream from the acetonitrile column in the production of acrylonitrile.	(T)
K014	Bottoms from the acetonitrile purification column in the production of acrylonitrile.	(T)
K015	Still bottoms from the distillation of benzyl chloride.	(T)
K016	Heavy ends or distillation residues from the production of carbon tetrachloride.	(T)
K017	Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin.	(T)
K018	Heavy ends from the fractionation column in ethyl chloride production.	(T)
K019	Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production.	(T)

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K020	Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production.	(T)
K021	Aqueous spent antimony catalyst waste from fluoromethanes production.	(T)
K022	Distillation bottom tars from the production of phenol/acetone from cumene.	(T)
K023	Distillation light ends from the production of phthalic anhydride from naphthalene.	(T)
K024	Distillation bottoms from the production of phthalic anhydride from naphthalene.	(T)
K093	Distillation light ends from the production of phthalic anhydride from ortho-xylene.	(T)
K094	Distillation bottoms from the production of phthalic anhydride from ortho-xylene.	(T)
K025	Distillation bottoms from the production of nitrobenzene by the nitration of benzene.	(T)
K026	Stripping still tails from the production of methyl ethyl pyridines.	(T)
K027	Centrifuge and distillation residues from toluene diisocyanate production.	(B,T)
K028	Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane.	(T)
K029	Waste from the product stream stripper in the production of 1,1,1-trichloroethane.	(T)
K095	Distillation bottoms from the production of 1,1,1-trichloroethane.	(T)
K096	Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane.	(T)
K030	Column bottoms of heavy ends from the combined production of trichloroethylene and perchloroethylene.	(T)
K083	Distillation bottoms from aniline production.	(T)
K103	Process residues from aniline extraction from the production of aniline.	(T)
K104	Combined wastewater streams generated from nitrobenzene/aniline production.	(T)
K085	Distillation or fractionation column bottoms from the production of chlorobenzenes.	(T)
K105	Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes.	(T)
K107	Column bottoms from product separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(C,T)
K108	Condensed column overheads from product separation and condensed reactor vent gases from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(I,T)

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K109	Spent filter cartridges from the product purification from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(T)
K110	Condensed column overheads from intermediate separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(T)
K111	Product wastewaters from the production of dinitrotoluene via nitration of toluene.	(C,T)
K112	Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K113	Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K114	Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K115	Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K116	Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine.	(T)
K117	Wastewater from the reactor vent gas scrubber in the production of ethylene dibromide via bromination of ethene.	(T)
K118	Spent adsorbent solids from purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.	(T)
K136	Still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.	(T)
K140	Flavor-sweeping-off-specification-product-and-agent filter---media---from-the---production---of---2,4,6-tribromophenol.	(T)
K156	Organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.)	(T)
K157	Wastewaters (including scrubber waters, condenser waters, washwaters, and separation waters) from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.)	(T)

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K158	Baghouse dusts and filter/separation solids from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.)	(T)
K159	Organics from the treatment of thiocarbamate wastes.	(T)
K161	Purification solids (including filtration, evaporation, and centrifugation solids), bag house dust and floor sweepings from the production of dithiocarbamate acids and their salts. (This listing does not include K125 or K126.)	(R,T)
Inorganic Chemicals:		
K071	Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used.	(T)
K073	Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production.	(T)
K106	Wastewater treatment sludge from the mercury cell process in chlorine production.	(T)
Pesticides:		
K031	By-product salts generated in the production of MSMA and cacodylic acid.	(T)
K032	Wastewater treatment sludge from the production of chlordane.	(T)
K033	Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlorané.	(T)
K034	Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane.	(T)
K097	Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane.	(T)
K035	Wastewater treatment sludges generated in the production of cresosets.	(T)
K036	Still bottoms from toluene reclamation distillation in the production of disulfoton.	(T)
K037	Wastewater treatment sludges from the production of disulfoton.	(T)
K038	Wastewater from the washing and stripping of phosphate.	(T)
K039	Filter cake from the filtration of diethylphosphorodithioic acid in the production of phosphate.	(T)

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K040	Wastewater treatment sludge from the production of phosphate.	(T)
K041	Wastewater treatment sludge from the production of toxaphene.	(T)
K098	Untreated process wastewater from the production of toxaphene.	(T)
K042	Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T.	(T)
K043	2,6-Dichlorophenol waste from the production of 2,4-D.	(T)
K099	Untreated wastewater from the production of 2,4-D.	(T)
K123	Process wastewater (including supernates, filtrates and washwaters) from the production of ethylenebisdithiocarbamic acid and its salts.	(T)
K124	Reactor vent scrubber water from the production of ethylenebisdithiocarbamic acid and its salts.	(C,T)
K125	Filtration, evaporation and centrifugation solids from the production of ethylenebisdithiocarbamic acid and its salts.	(T)
K126	Baghouse dust and floor sweepings in milling and packaging operations from the production or formulation of ethylenebisdithiocarbamic acid and its salts.	(T)
K131	Wastewater from the reactor and spent sulfuric acid from the acid dryer from the production of methyl bromide.	(C,T)
K132	Spent absorbent and wastewater separator solids from the production of methyl bromide.	(T)
Explosives:		
K044	Wastewater treatment sludges from the manufacturing and processing of explosives.	(R)
K045	Spent carbon from the treatment of wastewater containing explosives.	(R)
K046	Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.	(T)
K047	Pink/red water from TNT operations.	(R)
Petroleum Refining:		
K048	Dissolved air flotation (DAF) float from the petroleum refining industry.	(T)
K049	Stop oil emulsion solids from the petroleum refining industry.	(T)
K050	Heat exchanger bundle cleaning sludge from the petroleum refining industry.	(T)

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- K051 API separator sludge from the petroleum refining (T)
- K052 Tank bottoms (lead) from the petroleum refining (T)
- K169 Crude oil storage tank sediment from petroleum refining operations (T)
- K170 Clarified slurry oil tank sediment or in-line filter/separation solids from petroleum refining operations (T)
- K171 Spent hydrotreating catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors (this listing does not include inert support media). (I,T)
- K172 Spent hydrorefining catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors (this listing does not include inert support media). (I,T)
- Iron and Steel:
- K061 Emission control dust/sludge from the primary production of steel in electric furnaces. (T)
- K062 Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332) (as defined in 35 Ill. Adm. Code 720.110). (C,T)
- Primary Copper:
- K064 Acid-plant-blowdown-slurry-or-sludge-venting-from the-thickening-of-blowdown-slurry-from-primary-copper production (T)
- Primary Lead:
- K065 Surface-impoundments--solids-contained-in-and-dredged from-surface-impoundments--at--primary--lead--smelting facilities (T)
- Primary Zinc:
- K066 Sludge--from--treatment--of--process--wastewater--or--acid plant-blowdown--from--primary-zinc-production (T)
- BOARD-NOTE:--this-waste-listing-is-the--subject--of--a judicial--remand--in--American-Mining-Congress-V.-EPA-99-F-2d-1179-(9-6-1990)--The-Board-intends--that this-listing-not-become-enforceable-in-illinois-until

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- the-first-date-upon-which-the-Board-RERA-program becomes--not-equivalent-to-the-federal-program within-the-meaning-of-section-306(f)-of-the-RERA Act-42-USA--6926(f)-the-Board-RERA-rules-become less-stringent-than-the-USEPA-rules-as-this-phase is-used-in-section-3009-42-USA--6929-or-the-Board RERA-rules-are-not-identical-in-substance-with-the federal-rules-as-that-term-is-intended-by-45-USA-5772-and-224-as-a-result-of-some-action-by-USEPA with-regard-to-this-listing--in-response-to-the American-Mining-Congress-remand
- Primary Aluminum:
- K088 Spent potliners from primary aluminum reduction. (T)
- Ferroalloys:
- K090 Emission-control--dust--or--sludge--from--ferrochromium-silicon-production (T)
- K091 Emission-control--dust--or--sludge-from-ferrochromium production (T)
- Secondary Lead:
- K069 Emission control dust/sludge from secondary lead smelting. (T)
- BOARD NOTE: This listing is administratively stayed for sludge generated from secondary acid scrubber systems. The stay will remain in effect until this note is removed.
- K100 Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting. (T)
- Veterinary Pharmaceuticals:
- K084 Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds. (T)
- K101 Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds. (T)
- F102 Residue from use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds. (T)



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## Ink Formulation:

K086 Solvent washes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, dyes, soaps and stabilizers containing chromium and lead.

## Coking:

K060 Ammonia still lime sludge from coking operations.

K087 Decanter tank sludge from coking operations.  
K141 Process residues from the recovery of coal tar, including, but not limited to, collecting sump residues from the production of coke from coal or the recovery of coke by-products produced from coal. This listing does not include K087 (decanter tank tar sludges from coking operations).

K142 Tar storage tank residues from the production of coke from coal or from the recovery of coke by-products produced from coal.

K143 Process residues from the recovery of light oil, including, but not limited to, those generated in stills, decanters, and wash oil recovery units from the recovery of coke by-products produced from coal.

K144 Wastewater, sump residues from light oil refining, including, but not limited to, intercepting or contamination sump sludges from the recovery of coke by-products produced from coal.

K145 Residues from naphthalene collection and recovery operations from the recovery of coke by-products produced from coal.

K147 Tar storage tank residues from coal tar refining.

K148 Residues from coal tar distillation, including but not limited to, still bottoms.

K149 Distillation bottoms from the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups. (This waste does not include still bottoms from the distillation of benzyl chloride.)

K150 Organic residuals, excluding spent carbon adsorbent, from the spent chlorine gas and hydrochloric acid recovery processes associated with the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.

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K151 Wastewater treatment sludges, excluding neutralization and biological sludges, generated during the treatment of wastewaters from the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.

(Source: Amended at 24 Ill. Reg. 9481, effective June 20, 2000)

**Section 721.133 Discarded Commercial Chemical Products, Off-Specification Species, Containers Residues, and Spill Residues Thereof**

The following materials or items are hazardous wastes if and when they are discarded or intended to be discarded as described in Section 721.102(a)(2)(A), when they are mixed with waste oil or used oil or other material and applied to the land for dust suppression or road treatment, when they are otherwise applied to the land in lieu of their original intended use or when they are contained in products that are applied to land in lieu of their original intended use, or when, in lieu of their original intended use, they are produced for use as (or as a component of) a fuel, distributed for use as a fuel, or burned as a fuel.

a) Any commercial chemical product or manufacturing chemical intermediate having the generic name listed in subsection (e) or (f) of this Section.

b) Any off-specification commercial chemical product or manufacturing chemical intermediate that **which**, if it met specifications, would have the generic name listed in subsection (e) or (f) of this Section.

c) Any residue remaining in a container or inner liner removed from a container that has held any commercial chemical product or manufacturing chemical intermediate having the generic name listed in subsection (e) or (f) of this Section, unless the container is empty, as defined in Section 721.107(b)(3).

**BOARD NOTE:** Unless the residue is being beneficially used or reused, or legitimately recycled or reclaimed, or being accumulated, stored, transported, or treated prior to such use, reuser, recycling, or reclamation, the Board considers the residue to be intended for discard, and thus a hazardous waste. An example of a legitimate reuse of the residue would be where the residue remains in the container and the container is used to hold the same commercial chemical product or manufacturing chemical intermediate it previously held. An example of the discard of the residue would be where the drum is sent to a drum reconditioner that reconditions the drum but discards the residue.

d) Any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill into or on any land or water of any commercial chemical product or manufacturing chemical intermediate having the generic name listed in subsection (e) or (f) of this Section, or any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill into or on any land or water of

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any off-specification chemical product or manufacturing chemical intermediate that **which**, if it met specifications, would have the generic name listed in subsection (e) or (f) of this Section.

BOARD NOTE: The phrase "commercial chemical product or manufacturing chemical intermediate having the generic name listed in..." refers to a chemical substance that is manufactured or formulated for commercial or manufacturing use which consists of the commercially pure grade of the chemical, any technical grades of the chemical that are produced or marketed, and all formulations in which the chemical is the sole active ingredient. It does not refer to a material, such as a manufacturing process waste, that contains any of the substances listed in subsection (e) or (f) of this Section. Where a manufacturing process waste is deemed to be a hazardous waste because it contains a substance listed in subsection (e) or (f) of this Section, such waste will be listed in either Sections 721.131 or 721.132 or will be identified as a hazardous waste by the characteristics set forth in Subpart C of this Part.

e) The commercial chemical products, manufacturing chemical intermediates, or off-specification commercial chemical products or manufacturing chemical intermediates referred to in subsections (a) through (d) of this Section are identified as acute hazardous waste (H) and are subject to the small quantity exclusion defined in Section 721.105(e). These wastes and their corresponding USEPA Hazardous Waste Numbers are the following:

BOARD NOTE: For the convenience of the regulated community, the primary hazardous properties of these materials have been indicated by the letters T (Toxicity), and R (Reactivity). The absence of a letter indicates that the compound **only** is only listed for acute toxicity.

USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance
P023	1071-20-0	Acetaldehyde, chloro-
P002	591-08-2	Acetamide, N-(aminoethoxymethyl)
P057	640-19-7	Acetamide, 2-fluoro-
P058	62-74-8	Acetic acid, fluoro-, sodium salt
P002	591-08-2	1-Acetyl-2-thiourea
P003	107-02-8	Acrolein
P070	116-06-3	Aldicarb
P203	1646-88-4	Aldicarb sulfone
P004	309-00-2	Aldrin
P005	107-18-6	Allyl alcohol
P006	20859-73-6	Aluminum phosphide (R,T)
P007	2763-96-4	5-(Aminomethyl)-3-isoxazolol
P008	504-24-5	4-Aminopyridine
P009	131-74-8	Ammonium picrate (R)
P119	7803-55-6	Ammonium vanadate

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USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance
P099	506-61-6	Argentate(1-), bis(cyano-C)-, potassium
P010	7778-39-4	Arsenic acid H(3)AsO(4)
P012	1327-53-3	Arsenic oxide As(2)O(3)
P011	1303-28-2	Arsenic pentoxide As(2)O(5)
P011	1303-28-2	Arsenic pentoxide
P012	1327-53-3	Arsenic trioxide
P038	692-42-2	Arsine, diethyl-
P036	696-28-6	Arsonos dichloride, phenyl-
P067	151-56-4	Aziridine, 2-methyl
P013	542-62-1	Barium cyanide
P014	106-47-8	Benzenamine, 4-chloro-
P077	100-01-6	Benzenamine, 4-nitro-
P028	100-44-7	Benzene, (chloromethyl)-
P042	51-43-4	1,2-Benzenediol, 4-[1-hydroxy-2-(methylanino)ethyl]-, (R)-
P046	122-09-8	Benzenethanamine, alpha,alpha-dimethyl-
P014	108-98-5	Benzenethiol
P127	1563-66-2	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-, methycarbamate
P188	57-64-7	Benzoic acid, 2-hydroxy-, compound with
P001	81-81-2*	(3aS-cis)-1,2,3,3a,8a-hexahydro-1,3a,8-trimethylpyrrolo[2,3-b]indol-5-yl methylcarbamate ester (1:1)
P028	100-44-7	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, and salts, when present at concentrations greater than 0.3 percent
P015	7440-41-7	Benzyl chloride
P017	598-31-2	Beryllium powder
P018	357-57-3	Bromacetone
P045	39196-18-6	Brucine
P021	592-01-8	2-Butanone, 3,3-dimethyl-1-(methylthio)-, O-(methylanino)carbonyl oxime
P021	592-01-8	Calcium cyanide
P189	55285-14-8	Calcium cyanide Ca(CN)2
		Carbamic acid, [(dibutylamino)-thio]methyl-, 2,3-dihydro-2,2-dimethyl-7-benzofuranyl ester



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USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance
P057	640-19-7	Fluoracetamide
P058	62-74-8	Fluoroacetic acid, sodium salt
P198	23422-53-9	Formetanate hydrochloride
P197	17702-57-7	Formetanate
P065	628-86-4	Fulminic acid, mercury (2+) salt (R,T)
P059	76-44-8	Heptachlor
P062	757-58-4	Hexaethyl tetraphosphate
P116	79-19-6	Hydrazinecarbothioamide
P068	60-34-4	Hydrazine, methyl-
P063	74-90-8	Hydrocyanic acid
P063	74-90-8	Hydrocyanic acid
P066	7803-51-2	Hydrogen cyanide
P060	465-73-6	Hydrogen phosphide
P192	119-38-0	Isodrin
P202	64-00-6	3-Isopropylphenyl-N-methylcarbamate
P007	2763-96-4	3(2H)-Isoxazolone, 5-(aminomethyl)-
P196	15339-36-3	Manganese, bis(dimethylcarbamodithioato- S,S')
P196	15339-36-3	Manganese dimethyldithiocarbamate
P092	62-38-4	Mercury, (acetato-O)phenyl-
P065	628-86-4	Mercury fulminate (R,T)
P082	62-75-9	Methanamine, N-methyl-N-nitroso-
P064	624-83-9	Methane, isocyanato-
P016	542-88-1	Methane, oxybis(chloro-
P112	509-14-8	Methane, tetranitro- (R)
P118	75-70-7	Methanethiol, trichloro-
P198	23422-53-9	Methanimidamide, N,N-dimethyl-N'-[3- [[[methylanino]carbonyloxy]phenyl]-, monohydrochloride
P197	17702-57-7	Methyl-4-[[[methylanino]carbonyloxy]phenyl]- phenyl]-
P199	2032-65-7	Methanimidamide, N,N-dimethyl-N'-[2- phenyl]-
P199	2032-65-7	Methiocarb
P050	115-29-7	6,9-Methano-2,4,3-benzodioxathiepen, 6,7,8,9,10,10-
P059	76-44-8	hexachloro-1,5,5a,6,9,9a-hexahydro-, 3-oxide
P059	76-44-8	4,7-Methano-1H-indene, 1,4,5,6,7,8,8- heptachloro-
P066	16752-77-5	3a,4,7,7a- tetrahydro-
P068	60-34-4	Methomyl
P068	60-34-4	Methyl hydrazine

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance
P064	624-83-9	Methyl isocyanate
P069	75-86-5	2-Methylacetonitrile
P071	298-00-0	Methyl parathion
P190	1129-41-5	Metolcarb
P129	315-8-4	Mexacarbate
P072	86-88-4	alpha-naphthylthiourea
P073	13463-39-3	Nickel carbonyl
P073	13463-39-3	Nickel carbonyl NICO[4], (T-4)-
P074	557-19-7	Nickel cyanide
P074	557-19-7	Nickel cyanide Ni(CN)[2]
P075	54-11-5*	Nicotine, and salts
P076	10102-43-9	Nitric oxide
P077	100-01-6	p-Nitroaniline
P078	10102-44-0	Nitrogen dioxide
P078	10102-44-0	Nitrogen oxide NO
P078	10102-44-0	Nitrogen oxide NO[2]
P081	55-63-0	Nitroglycerine (R)
P082	62-75-9	N-Nitrosodimethylamine
P084	4549-40-0	N-Nitrosomethylvinylamine
P085	152-16-9	Octamethylpyrophosphoramide
P087	20816-12-0	Osmium oxide OsO[4], (T-4)-
P087	20816-12-0	Osmium tetroxide
P088	145-73-3	7-Oxabicyclo[2.2.1]heptane- 2,3-dicarboxylic acid
P194	23135-22-0	Oxamyl
P089	56-38-2	Parathion
P034	131-89-5	Phenol, 2-cyclohexyl-4,6-dinitro-
P128	315-18-4	Phenol, 4-(dimethylamino)-3,5-dimethyl-, methylocarbamate (ester)
P199	2032-65-7	Phenol, (3,5-dimethyl-4-(methylthio))-, methylocarbamate
P048	51-28-5	Phenol, 2,4-dinitro-
P047	534-52-1*	Phenol, 2-methyl-4,6- dinitro-, and salts
P202	64-00-6	Phenol, 3-(1-methylethyl)-, methylocarbamate
P201	2631-37-0	Phenol, 3-methyl-5-(1-methylethyl)-, methylocarbamate
P020	88-85-7	Phenol, 2-(1- methylpropyl)-4,6-dinitro-
P009	131-74-8	Phenol, 2,4,6-trinitro-, salt (R)

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

USPBA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance
P092	62-38-4	Phenylmercury acetate
P093	103-85-5	Phenylthiourea
P094	298-02-2	Phorate
P095	75-44-5	Phosgene
P096	7803-51-2	Phosphine
P041	311-45-5	Phosphoric acid, diethyl
P039	298-04-4	4-nitrophenyl ester
		Phosphorodithioic acid, O,O-diethyl
		S-[2-(ethylthio)ethyl] ester
P094	298-02-2	Phosphorodithioic acid, O,O-diethyl
		S-[(ethylthio)methyl] ester
P044	60-51-5	Phosphorodithioic acid, O,O-dimethyl
		S-[2-(methylamino)-2-oxoethyl] ester
P043	55-91-4	Phosphorofluoridic acid, bis(1-methylethyl) ester
P089	56-38-2	Phosphorothioic acid, O,O-diethyl
P040	297-97-2	O-(4-nitrophenyl) ester
P097	52-85-7	O-pyrazinyl ester
		Phosphorothioic acid, O-(4-[(dimethylamino)sulfonyl]phenyl)
		O,O-dimethyl ester
P071	298-00-0	Phosphorothioic acid, O,O-dimethyl
		O-(4-nitrophenyl) ester
P204	57-47-6	Physostigmine
P188	57-64-7	Physostigmine salicylate
P110	78-00-2	Plumbane, tetraethyl-
P098	151-50-8	Potassium cyanide
P098	151-50-8	Potassium cyanide KCN
P099	506-61-6	Potassium silver cyanide
P201	2631-37-0	Promecarb
P203	1646-88-4	Propanal, 2-methyl-2-(methylsulfonyl)-, O-[(methylamino)carbonyl] oxime
P070	116-06-3	Propanal, 2-methyl-2-(methylthio)-, O-[(methylamino) carbonyl] oxime
P101	107-12-0	Propanenitrile
P027	542-76-7	Propanenitrile, 3-chloro-
P069	75-86-5	Propanenitrile, 2-hydroxy-2-methyl-
P081	55-63-0	1,2,3-Propanetriol, trinitrate- (R)
P017	598-31-2	2-Propanone, 1-bromo-

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

USPBA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance
P102	107-19-7	Propargyl alcohol
P003	107-02-8	2-Propenal
P005	107-18-6	2-Propen-1-ol
P067	75-55-8	1,2-Propylenimine
P102	107-19-7	2-Propyn-1-ol
P008	504-24-5	4-Pyridinamine
P075	54-11-5*	Pyridine, 3-(1-methyl-2-pyrrolidinyl)-, (S)- and salts
P204	57-47-6	Pyrolo[2,3-b]indol-5-ol, 1,2,3,3a,8a-hexahydro-1,3a,8-trimethyl-, methyl-carbamate (ester), (3aS-Cis)-carbamate (ester), dithallium (1+) salt
		Selenourea
		Silver cyanide AgCN
		Sodium azide
		Sodium cyanide
		Sodium cyanide NaCN
		Strychnidin-10-one, and salts
		Strychnidin-10-one, 2,3-dimethoxy-
		Strychnine and salts
		Sulfuric acid, dithallium (1+) salt
		Tetraethyldithiopyrophosphate
		Tetraethyl lead
		Tetraethylpyrophosphate
		Tetranitromethane (R)
		Tetraphosphoric acid, hexaethyl ester
		Thallic oxide
		Thallium oxide Ti[2]O[3]
		Thallium (I) selenite
		Thallium (I) sulfate
		Thiodiphosphoric acid, tetraethyl ester
		Thiofanox
		Thioimidodicarbonic diamide [(H[2]N)(S)] [12NH]
		Thiophenol
		Thiosemicarbazide
		Thiourea, (2-chlorophenyl)-
		Thiourea, 1-naphthalenyl-
		Thiourea, phenyl-
		Toxaphene
		Tirpate
		26419-73-8
P045	39196-18-4	
P049	541-53-7	
P014	108-98-5	
P116	79-19-6	
P026	5344-82-1	
P072	86-88-4	
P093	103-85-5	
P123	8001-35-2	
P185	26419-73-8	



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance
P118	75-70-7	Trichloromethanethiol
P119	7803-55-6	Vanadic acid, ammonium salt
P120	1314-62-1	Vanadium oxide V[2]O[5]
P121	1314-62-1	Vanadium pentoxide
P084	4549-40-0	Vinylamine, N-methyl-N-nitroso-
P001	81-81-2*	Warfarin, and salts, when present at concentrations greater than 0.3percent
P121	557-21-1	Zinc cyanide
P121	557-21-1	Zinc cyanide Zn(CN)[2]
P205	137-30-4	Zinc, bis(dimethylcarbamodithioato-S,S')-
P122	1314-84-7	Zinc phosphide Zn[3P(2), when present at concentrations greater than 10 percent (R,T)]
P205	137-30-4	Ziram

Board Note: An asterisk (\*) following the CAS number indicates that the CAS number is given for the parent compound only.

f) The commercial chemical products, manufacturing chemical intermediates, or off-specification commercial chemical products referred to in subsections (a) through (d) of this Section, are identified as toxic wastes (T) unless otherwise designated and are subject to the small quantity exclusion defined in Section 721.105(a) and (g). These wastes and their corresponding USEPA Hazardous Waste Numbers are the following:

BOARD NOTE: For the convenience of the regulated community, the primary hazardous properties of these materials have been indicated by the letters T (toxicity), R (reactivity), I (ignitability), and C (corrosivity). The absence of a letter indicates that the compound is only listed for toxicity.

USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance
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U394	30558-43-1	A2213
U001	75-07-0	Acetaldehyde (I)
U034	75-87-6	Acetaldehyde, trichloro-
U187	62-44-2	Acetamide, N-(4-ethoxyphenyl)-
U005	53-96-3	Acetamide, N-9H-fluorene-2-yl-
U240	P 94-75-7	Acetic acid, (2,4-dichlorophenoxy)-, salts and esters
U112	141-78-6	Acetic acid, ethyl ester (I)

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance
U144	301-04-2	Acetic acid, lead (2+) salt
U214	563-68-8	Acetic acid, thallium (1+) salt
See F027	93-76-5	Acetic acid, (2,4,5-trichlorophenoxy)-
U002	67-64-1	Acetone (I)
U003	75-05-8	Acetonitrile (I,T)
U004	98-86-2	Acetophenone
U005	53-96-3	2-Acetylaminofluorene
U006	75-36-5	Acrylamide
U007	79-06-1	Acrylic chloride (C,R,T)
U008	79-10-7	Acrylic acid (I)
U009	107-13-1	Acrylonitrile
U011	61-82-5	Amitrole
U012	62-53-3	Aniline (I,T)
U136	75-60-5	Arsinic acid, dimethyl-
U014	492-80-8	Auramine
U015	115-02-6	Azaserine
U010	50-07-7	Azirino[2',3':3,4]pyrrolo[1,2-a]indole-4,7-dione, 6-amino-8-[[[aminocarbonyloxy]methyl]-1,1a,2,8a,8b-hexahydro-8a-methoxy-5-methyl-, [1a-S-(1aalpha,8beta,8alpha,8balpha)]-
U280	101-27-9	Barban
U278	22781-23-3	Bendiocarb
U364	22961-82-6	Bendiocarb phenol
U271	17804-35-2	Benomyl
U157	56-49-5	Benz[1]aceanthrylene, 1,2-dihydro-3-methyl-
U016	225-51-4	Benz[1]acridine
U017	98-87-3	Benzal chloride
U192	23950-58-5	Benamide, 3,5-dichloro-N-(1,1-dimethyl-2-propenyl)-
U018	56-55-3	Benzalanthracene
U094	57-97-6	Benz[1]anthracene, 7,12-dimethyl-
U012	62-53-3	Benzenamine (I,T)
U014	492-80-8	Benzenamine, 4,4'-carbonimidoylbis [N,N-dimethyl-
U049	3165-93-3	Benzenamine, 4-chloro-2-methyl-, hydrochloride
U093	60-11-7	Benzenamine, N,N-dimethyl-4-(phenylazo)-

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance
U128	95-53-4	Benzenamine, 2-methyl-
U353	106-49-0	Benzenamine, 4-methyl-
U158	101-14-4	Benzenamine, 4,4'- methylenebis(2-chloro-
U222	636-21-5	Benzenamine, 2-methyl-, hydrochloride
U181	99-55-8	Benzenamine, 2-methyl-5-nitro-
U019	71-43-2	Benzene (I,T)
U038	510-15-6	Benzenecetic acid, 4-chloro-alpha- (4-chlorophenyl)-alpha-hydroxy-, ethyl ester
U030	101-55-3	Benzene, 1-bromo-4-phenoxy-
U035	305-03-3	Benzenbutanoic acid, 4-[(bis(2-chloroethyl)amino)- benzene]chloro-
U037	108-90-7	Benzenediamine, ar-methyl-
U221	25376-45-8	1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester
U028	117-81-7	1,2-Benzenedicarboxylic acid, dibutyl ester
U069	84-74-2	1,2-Benzenedicarboxylic acid, diethyl ester
U088	84-66-2	1,2-Benzenedicarboxylic acid, diethyl ester
U102	131-11-3	1,2-Benzenedicarboxylic acid, dimethyl ester
U107	117-84-0	1,2-Benzenedicarboxylic acid, diethyl ester
U070	95-50-1	Benzene, 1,2-dichloro-
U071	541-73-1	Benzene, 1,3-dichloro-
U072	106-46-7	Benzene, 1,4-dichloro-
U060	72-54-8	Benzene, 1,1'-(2,2-dichloroethyldiene) bis(4-chloro-
U017	98-87-3	Benzene, (dichloromethyl)-
U223	26471-62-5	Benzene, 1,3-diisocyanatomethyl- (R,T)
U239	1330-20-7	Benzene, dimethyl- (I,T)
U201	108-46-3	1,3-Benzenediol
U127	118-74-1	Benzene, hexachloro-
U056	110-82-7	Benzene, hexahydro- (I)
U220	108-88-3	Benzene, methyl-
U105	121-14-2	Benzene, 1-methyl-2,4-dinitro-
U106	606-20-2	Benzene, 2-methyl-1,3-dinitro-
U055	98-82-8	Benzene, (1-methylethyl)- (I)
U169	98-95-3	Benzene, nitro-
U183	608-93-5	Benzene, pentachloro-

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance
U185	82-58-8	Benzene, pentachloronitro-
U020	98-09-9	Benzenesulfonic acid chloride (C,R)
U020	98-09-9	Benzenesulfonyl chloride (C,R)
U207	95-94-3	Benzene, 1,2,4,5-tetrachloro-
U061	50-29-3	Benzene, 1,1'-(2,2,2-trichloroethyldiene) bis(4-chloro-
U247	72-43-5	Benzene, 1,1'-(2,2,2-trichloroethyldiene) bis(4-methoxy-
U023	98-07-7	Benzene, (trichloromethyl)-
U234	99-35-4	Benzene, 1,3,5-trinitro-
U021	92-87-5	Benzidine
U202	P 81-07-2	1,2-Benzisothiazol-3(2H)-one, 1,1-dioxide, and salts
U203	94-59-7	1,3-Benzodioxole, 5-(2-propenyl)-
U141	120-58-1	1,3-Benzodioxole, 5-(1-propenyl)-
U090	94-58-6	1,3-Benzodioxole, 5-propyl-
U278	22781-23-3	1,3-Benzodioxol-4-ol, 2,2-dimethyl-, methyl carbamate
U364	22961-82-6	1,3-Benzodioxol-4-ol, 2,2-dimethyl-
U367	1563-38-8	7-Benzofuranol, 2,3-dihydro-2,2-di- methyl-
U064	189-55-9	Benzofrst pentaphene
U248	P 81-81-2	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1- phenylbutyl)-, and salts, when present at concentrations of 0.3percent or less
U022	50-32-8	Benzolal pyrene
U197	106-51-4	p-Benzquinone
U023	98-07-7	Benzotrifluoride (C,R,T)
U085	1464-53-5	2,2'-Bioxirane
U021	92-87-5	[1,1'-Biphenyl]-4,4'-diamine
U073	91-94-1	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dichloro-
U091	119-90-4	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethoxy-
U095	119-93-7	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethyl-
U225	75-25-2	Bromoform
U030	101-55-3	4-Bromophenyl phenyl ether

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## NOTICE OF ADOPTED AMENDMENTS

USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance
U128	87-68-3	1,3-Butadiene,
U172	924-16-3	1,1,2,3,4,4-hexachloro-
U031	71-36-3	1-Butanamine, N-butyl-N-nitroso-
U159	78-93-3	1-Butanol (I,T)
U160	138-23-4	2-Butanone (I,T)
U053	4170-30-3	2-Butanone, peroxide (R,T)
U074	764-41-0	2-Butenal
U143	303-34-4	2-Butene, 1,4-dichloro- (I,T)
		7-[[2,3-dihydroxy-2-(1-methoxyethyl)-3-methyl-1-oxobutoxylmethyl]-2,3,5,7a-tetrahydro-1H-pyrazolin-1-yl ester, [1S-(1alpha), 7(ZS*,3R*), 7aalpha]]-
U031	71-36-3	n-Butyl alcohol (I)
U136	75-60-5	Cacodylic acid
U032	13765-19-0	Calcium chromate
U372	10605-21-7	Carbamic acid, 1H-benzimidazol-2-yl, methyl ester
U271	17804-35-2	Carbamic acid, [1-[(butylamino)-carbonyl]-1H-benzimidazol-2-yl]-, 4-chloro-2-butynyl ester
U280	101-27-9	Carbamic acid, (3-chlorophenyl)-, 4-chloro-2-butynyl ester
U238	51-79-6	Carbamic acid, ethyl ester
U178	615-53-2	Carbamic acid, methylnitroso-, ethyl ester
U373	122-42-9	Carbamic acid, phenyl-, 1-methylethyl ester
U409	23564-05-8	Carbamic acid, [1,2-phenylenebis (imino-carboethoxy)]bis-, dimethyl ester
U097	79-44-7	Carbanic chloride, dimethyl-
U114	P 111-54-6	Carbanodithioic acid, 1,2-ethanediyibis-, salts and esters
U062	2303-16-4	Carbanodithioic acid, bis(1-methylethyl)-, S-(2,3-dichloro-2-propenyl) ester
U389	2303-17-5	Carbanodithioic acid, bis(1-methylethyl)-, S-(2,3,3-trichloro-2-propenyl) ester
U387	52888-80-9	Carbanothioic acid, dipropyl-, S-(phenylmethyl) ester
U279	63-25-2	Carbaryl

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## NOTICE OF ADOPTED AMENDMENTS

USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance
U372	10605-21-7	Carbendazim
U367	1563-38-9	Carbofuran phenol
U235	6533-73-9	Carbonic acid, dithallium (1+) salt
U033	353-50-4	Carbonic difluoride
U156	79-22-1	Carbonochloridic acid, methyl ester (I,T)
U033	353-50-4	Carbon oxyfluoride (R,T)
U211	56-23-5	Carbon tetrachloride
U034	75-87-6	Chloral
U035	305-03-3	Chlorambucil
U036	57-74-9	Chlorodane, alpha and gamma isomers
U026	494-03-1	Chloromaphazin
U037	108-90-7	Chlorobenzene
U038	510-15-6	Chlorobenzilate
U039	59-50-7	p-Chloro-m-cresol
U042	110-75-8	2-Chloroethyl vinyl ether
U044	67-66-3	Chloroform
U046	107-30-2	Chloromethyl methyl ether
U047	91-58-7	beta-Chloronaphthalene
U048	95-57-8	o-Chlorophenol
U049	3165-93-3	4-Chloro-o-toluidine, hydrochloride
U032	13765-19-0	Chromic acid H[2CrO4], calcium salt
U050	218-01-9	Chrysene
U051		Cresote
U052	1319-77-3	Cresol (Cresylic acid)
U053	4170-30-3	Crotonaldehyde
U055	98-82-8	Cumene (I)
U246	506-66-3	Cyanogen bromide CNBr
U197	106-51-4	2,5-Cyclonexadiene-1,4-dione
U056	110-82-7	Cyclonexane (I)
U129	58-89-9	Cyclonexane, 1,2,3,4,5,6-hexachloro-, (1alpha,2alpha,beta,4alpha,5alpha,6beta)-
U057	108-94-1	Cyclohexanone (I)
U130	77-47-4	1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-
U058	50-18-0	Cyclophosphamide
U240	P 94-75-7	2,4-D, salts and esters
U059	20830-81-3	Baunomycin
U060	72-54-8	DDD
U061	50-29-3	DDT
U062	2303-16-4	Diallate
U063	53-70-3	Dibenz[a,h]anthracene
U064	189-55-9	Dibenzof[a,i]pyrene

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## NOTICE OF ADOPTED AMENDMENTS

USEPA Hazardous Abstracts No. Waste No.	Chemical Abstracts No. (CAS No.)	Substance
U066	96-12-8	1,2-dibromo-3-chloropropane
U214	84-74-2	Dibutyl phthalate
U070	95-50-1	o-Dichlorobenzene
U071	541-73-1	m-Dichlorobenzene
U072	106-46-7	p-Dichlorobenzene
U073	91-94-1	3,3'-Dichlorobenzidine
U074	764-41-0	1,4-Dichloro-2-butene (1,7)
U075	75-71-8	Dichlorodifluoromethane
U078	75-35-4	1,1-Dichloroethylene
U079	156-60-5	1,2-Dichloroethylene
U025	111-44-4	Dichloroethyl ether
U027	108-60-1	Dichloroisopropyl ether
U024	111-91-1	Dichloromethoxy ethane
U081	120-83-2	2,4-Dichlorophenol
U082	87-65-0	2,6-Dichlorophenol
U084	542-75-6	1,3-Dichloropropene
U085	1464-53-5	1,2,3,4-Diepoxybutane (I,7)
U095	5952-26-1	Diethylene glycol, dicarbamate
U098	123-91-1	1,4-Diethylenesoxide
U028	117-81-7	Diethylethyl phthalate
U086	1615-80-1	N,N'-Diethylhydrazine
U087	3288-58-2	O-Diethyl S-methyl phosphosphate
U088	84-66-2	Diethyl phthalate
U089	56-53-1	Diethylstilbestrol
U090	94-58-6	Dihydrosafrole
U091	119-90-4	3,3'-Dimethoxybenzidine
U092	124-40-3	Dimethylamine (I)
U093	60-11-7	p-Dimethylaminoazobenzene
U094	57-76-6	7,12-Dimethylbenzo[a]anthracene
U095	119-93-7	3,3'-Dimethylbenzidine
U096	80-15-9	<b>alpha</b> , <b>alpha</b> -Dimethylbenzylhydroperoxide (E)
U097	79-44-7	Dimethylcarbamoyl chloride
U098	57-14-7	1,1-Dimethylhydrazine
U099	540-73-8	1,2-Dimethylhydrazine
U101	105-67-9	2,4-Dimethylphenol
U102	131-11-3	Dimethyl phthalate
U103	77-78-1	Dimethyl sulfate
U105	121-14-2	2,4-Dinitrotoluene
U106	606-20-2	2,6-Dinitrotoluene
U107	117-84-0	Di-n-octyl phthalate
U108	123-91-1	1,4-Dioxane
U109	122-66-7	1,2-Diphenylhydrazine

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USEPA Hazardous Abstracts No. Waste No.	Chemical Abstracts No. (CAS No.)	Substance
U110	142-84-7	Dipropylamine (I)
U111	621-64-7	Di-n-propyl nitrosamine
U041	106-89-8	Epichlorohydrin
U001	75-07-0	Ethanol (I)
U040	121-44-8	Ethanamine, N-n-diethyl-
U174	55-18-5	Ethanamine, N-ethyl-N-nitroso-
U155	91-80-5	1,2-Ethanediamine, N,N-dimethyl-N'-2-pyridinyl -N''-(2-thiophenylmethyl)-
U067	106-93-4	Ethane, 1,2-dibromo-
U076	75-34-3	Ethane, 1,1-dichloro-
U077	107-06-2	Ethane, 1,2-dichloro-
U131	67-72-1	Ethane, hexachloro-
U024	111-91-1	Ethane, 1,1'-(methylenebis(oxy))bis[2-chloro-
U117	60-29-7	Ethane, 1,1'-oxybis- (I)
U025	111-44-4	Ethane, 1,1'-oxybis[2-chloro-
U184	76-01-7	Ethane, pentachloro-
U208	630-20-6	Ethane, 1,1,1,2-tetrachloro-
U209	79-34-5	Ethane, 1,1,1,2,2-tetrachloro-
U218	62-55-5	Ethanethioamide
U226	71-55-6	Ethane, 1,1,1-trichloro-
U227	79-00-5	Ethane, 1,1,2-trichloro-
U410	59669-26-0	Ethanimidethioic acid, N,N'- [thiobis-((methylimino)carbonyloxy)] bis-, dimethyl ester
U394	30558-43-1	Ethanimidethioic acid, 2-(dimethyl- amino)-N-hydroxy-2-oxo-, methyl ester
U359	110-80-5	Ethanol, 2-ethoxy-
U173	1116-54-7	Ethanol, 2,2'-(nitrosoimino)bis-
U395	5952-26-1	Ethanol, 2,2'-oxybis-, dicarbamate
U004	98-96-2	Ethanone, 1-phenyl-
U043	75-01-4	Ethene, chloro-
U042	110-75-8	Ethene, (2-chloroethoxy)-
U078	75-35-4	Ethene, 1,1-dichloro-
U079	156-60-5	Ethene, 1,2-dichloro-, (E)-
U210	127-18-4	Ethene, tetrachloro-
U228	79-01-6	Ethene, trichloro-
U112	141-78-6	Ethyl acetate (I)
U123	140-88-5	Ethyl acrylate (I)
U238	51-79-6	Ethyl carbamate (urethane)
U177	60-29-7	Ethyl ether
U114	P 111-54-6	Ethylenebis(dithiocarbamic acid, salts and esters

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USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance
U067	106-93-4	Ethylene dibromide
U077	107-06-2	Ethylene dichloride
U039	110-80-5	Ethylene glycol monomethyl ether
U115	75-21-8	Ethylene oxide (I,T)
U116	96-45-7	Ethylenethiourea
U076	75-34-3	Ethylidene dichloride
U118	97-63-2	Ethyl methacrylate
U119	62-50-0	Ethyl methanesulfonate
U120	206-44-0	Fluoranthene
U122	50-00-0	Formaldehyde
U123	64-18-6	Formic acid (C,T)
U124	110-00-9	Furan (I)
U125	98-01-1	2-Furancarboxaldehyde (I)
U147	108-31-6	2,5-Furandione
U213	109-99-9	Furan, tetrahydro- (I)
U125	98-01-1	Furfural (I)
U124	110-00-9	Furfuran (I)
U206	18883-66-4	Glucopyranose, 2-deoxy-2-(3-methyl-3-nitrosoureido)-, D-
U206	18883-66-4	2-deoxy-2-(((methylnitrosoamino)-carbonylamino)-
U126	765-34-4	Glycidylaldehyde
U163	70-25-7	Guanidine,
U127	118-74-1	N-methyl-N-nitro-N-nitroso-
U128	87-68-3	Hexachlorobenzene
U130	77-47-4	Hexachlorobutadiene
U131	67-72-1	Hexachlorocyclopentadiene
U132	70-30-4	Hexachloroethane
U232	1888-71-7	Hexachloropropene
U133	302-01-2	Hydrazine (R,T)
U086	1615-80-1	Hydrazine, 1,2-diethyl-
U098	57-14-7	Hydrazine, 1,1-dimethyl-
U099	540-73-8	Hydrazine, 1,2-dimethyl-
U109	122-66-7	Hydrazine, 1,2-diphenyl-
U134	7664-39-3	Hydrofluoric acid (C,T)
U134	7664-39-3	Hydrogen fluoride (C,T)
U135	7783-06-4	Hydrogen sulfide
U135	7783-06-4	Hydrogen sulfide H(2)S
U096	80-15-9	Hydroperoxide,
U116	96-45-7	1-methyl-1-phenylethyl- (R)
U137	193-39-5	2-Midazolinedithione
		Indeno[1,2,3-cd]pyrene

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USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance
U190	85-44-9	1,3-Isobenzofurandione
U140	78-83-1	Isobutyl alcohol (I,T)
U141	120-58-1	Isosafrole
U142	143-50-0	Kepone
U143	303-34-4	Lasiocarpene
U144	301-04-2	Lead acetate
U146	1335-32-6	Lead, bis(acetato-O)tetrahydroxytri-
U145	7446-27-7	Lead phosphate
U146	1335-32-6	Lead subacetate
U129	58-89-9	Lindane
U163	70-25-7	MNNG
U147	108-31-6	Maleic anhydride
U148	123-33-1	Maleic hydrazide
U149	109-77-3	Malononitrile
U150	148-82-2	Melphalan
U151	7439-97-6	Mercury
U152	126-98-7	Methacrylonitrile (I,T)
U092	124-40-3	Methanamine, N-methyl- (I)
U029	74-83-9	Methane, bromo-
U045	74-87-3	Methane, chloro- (I,T)
U068	74-95-3	Methane, chloromethoxy-
U080	75-09-2	Methane, dibromo-
U075	75-71-8	Methane, dichloro-
U138	74-88-4	Methane, dichlorodifluoro-
U119	62-50-0	Methanesulfonic acid, ethyl ester
U211	56-23-5	Methane, tetrachloro-
U153	74-93-1	Methanethiol (I,T)
U225	75-25-2	Methane, tribromo-
U044	75-66-3	Methane, trichloro-
U121	75-69-4	Methane, trichlorofluoro-
U036	57-74-9	1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-
U154	67-56-1	Methanol (I)
U155	91-80-5	Methacrylonitrile
U142	143-50-0	1,3,4-Metheno-2H-cyclobuta[cd]pentalen-2-one, 3,3a,4,5,5a,5b,6-decachlorooctahydr
U247	72-43-5	Methoxychlor
U154	67-56-1	Methyl alcohol (I)
U029	74-83-9	Methyl bromide
U186	504-60-9	1-Methylbutadiene (I)
U045	74-87-3	Methyl chloride (I,T)



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USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance
U156	79-22-1	Methyl chloroformate (I,T)
U166	71-55-6	Methylchloroform
U157	56-49-5	3-Methylcholanthrene
U158	101-14-4	4,4'-Methylenebis(2-chloroaniline)
U068	74-95-3	Methylene bromide
U080	75-09-2	Methylene chloride
U159	78-91-3	Methyl ethyl ketone (MEK) (I,T)
U160	1328-23-4	Methyl ethyl ketone peroxide (R,T)
U138	74-88-4	Methyl iodide
U161	108-10-1	Methyl isobutyl ketone (I)
U162	80-62-6	Methyl methacrylate (I,T)
U161	108-10-1	4-Methyl-2-pentanone (I)
U164	56-04-2	Methylthiouracil
U010	50-07-7	Mitomycin C
U059	20810-81-3	5,12-Naphthacenedione, 8-acetyl-10- [(3-amino-2,3,6-trideoxy)- $\alpha$ -lipo- lyxo-hexapyransyl]oxyl]- 7,8,9,10-tetrahydro-6,8,11-trihydroxy -1-methoxy-, (8S-cis)-
U167	134-32-7	1-Naphthalenamine
U168	91-59-8	2-Naphthalenamine
U026	494-03-1	Naphthalenamine, N,N'-bis(2-chloroethyl)-
U165	91-20-3	Naphthalene
U047	91-58-7	Naphthalene, 2-chloro-
U166	130-15-4	1,4-Naphthalenedione
U236	72-57-1	2,7-Naphthalenedisulfonic acid, 3,3'-[(3,3'-dimethyl-1,1'- biphenyl)-4,4'-diyl- bis(azo)bis(5-amino-4- hydroxy)-, tetrasodium salt
U279	63-25-2	1-Naphthalenol, methylcarbamate
U166	130-15-4	1,4-Naphthoquinone
U167	134-32-7	$\alpha$ -Naphthylamine
U168	91-59-8	$\beta$ -Naphthylamine
U217	10102-45-1	Nitric acid, thallium (I+) salt
U169	98-95-3	Nitrobenzene (I,T)
U170	100-02-7	p-Nitrophenol
U171	79-46-9	N-Nitrosopropane (I,T)
U172	924-16-3	N-Nitrosodiethanolamine
U173	1116-54-7	N-Nitrosodietanolamine
U174	55-18-5	N-Nitrosodimethylamine
U176	759-73-9	N-Nitroso-N-ethylurea
U177	684-93-5	N-Nitroso-N-methylurea

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USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance
U178	615-53-2	N-Nitroso-N-methylurethane
U179	100-75-4	N-Nitrosopyridine
U180	930-55-2	N-Nitrosopyrrolidine
U181	99-55-8	5-Nitro-o-toluidine
U193	1120-71-4	1,2-Oxathiolane, 2,2-dioxide
U058	50-18-0	2H-1,3,2- Oxazaphosphorin-2-amine, N,N-bis(2- chloroethyl)tetrahydro-, 2-oxide Oxirane (I,T)
U115	75-21-8	Oxirane (I,T)
U126	765-34-4	Oxirane, [chloromethyl]-
U041	106-89-8	Oxirane, [chloromethyl]-
U182	123-63-7	Paraldehyde
U183	608-93-5	Pentachlorobenzene
U184	76-01-7	Pentachloroethane
U185	82-68-8	Pentachloronitrobenzene (PCNB)
See F027	87-86-5	Pentachlorophenol
U161	108-10-1	Pentanol, 4-methyl-
U186	504-60-9	1,3-Pentadiene (I)
U187	62-44-2	Phenacetin
U188	108-95-2	Phenol
U048	95-57-8	Phenol, 2-chloro-
U039	59-50-7	Phenol, 4-chloro-3-methyl-
U081	120-83-2	Phenol, 2,4-dichloro-
U082	87-65-0	Phenol, 2,6-dichloro-
U089	56-53-1	Phenol, 4,4'-(1,2-diethyl- 1,2-ethenediyl)bis-, (E)-
U101	105-67-9	Phenol, 2,4-dimethyl-
U052	1319-77-3	Phenol, methyl-
U132	70-30-4	Phenol,
U411	114-26-1	2,2'-methylenebis[3,4,6-trichloro- methyl-carbamate
U170	100-02-7	Phenol, 4-nitro-
See F027	87-86-5	Phenol, pentachloro-
See F027	58-90-2	Phenol, 2,3,4,6-tetrachloro-
See F027	95-95-4	Phenol, 2,4,5-trichloro-
See F027	88-06-2	Phenol, 2,4,6-trichloro-
U150	148-82-3	L-Phenylalanine, 4-[(bis(2-chloroethyl)amino)- phosphoric acid, lead (2+) salt (2:3) O,O-diethyl S-methyl ester Phosphorus sulfide (R) Phthalic anhydride
U145	7446-27-7	
U146	3288-58-2	
U087	1314-80-3	
U189	85-44-9	
U190		

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USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance
U191	109-06-8	2-Picoline
U192	100-75-4	Piperidine, 1-nitroso-
U193	23950-58-5	Promamide
U194	107-10-8	1-Propanamine (I,T)
U111	621-64-7	1-Propanamine, N-nitroso-N-propyl-
U110	142-84-7	1-Propanamine, N-propyl- (I)
U066	96-12-8	Propane, 1,2-dibromo-3-chloro-
U083	78-87-5	Propane, 1,2-dichloro-
U149	109-77-3	Propanedinitrile
U171	79-46-9	Propane, 2-nitro- (I,T)
U027	108-60-9	Propane, 2,2'-oxybis(2-chloro-
See F027	93-72-1	propanoic acid, 2-(2,4,5-
		trichlorophenoxy)-
U193	1120-71-4	1,3-Propane sultone
U235	126-72-7	1-Propanol, 2,3-dibromo-, phosphate
		(3,1)
U140	78-87-1	1-Propanol, 2-methyl- (I,T)
U002	57-64-1	2-Propanone (I)
U007	79-06-01	2-Propanamide
U084	542-73-6	1-Propene, 1,3-dichloro-
U243	1888-71-7	1-Propene, 1,1,2,3,3,3-hexachloro-
U009	107-13-1	2-Propenenitrile
U152	126-98-7	2-Propenenitrile, 2-methyl- (I,T)
U008	79-10-7	2-Propenoic acid (I)
U113	140-88-5	2-Propenoic acid, ethyl ester (I)
U118	97-63-2	2-Propenoic acid, 2-methyl-, ethyl ester
U162	80-62-6	2-Propenoic acid, 2-methyl-, methyl ester (I,T)
U373	122-42-9	Propiam
U411	114-26-1	Propionur
See F027	93-72-1	Propionic acid,
		2-(2,4,5-trichlorophenoxy)-
U194	107-10-8	n-Propylamine (I,T)
U083	78-87-5	Propylene dichloride
U387	52888-80-9	Propylsulfate
U148	123-33-1	3,6-Pyridazinedione, 1,2-dihydro-
U196	110-86-1	Pyridine
U191	109-06-8	Pyridine, 2-methyl-
U237	66-75-1	2,4-(1H,3H)-Pyrimidinone,
		5-(1,3,5-trimethyl-2-thioxo-
		chloroethyl)amino]-
U164	58-04-2	4(1H)-Pyrimidinone, 2,3-dihydro-6-
		methyl-2-thioxo-

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USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance
U180	930-55-2	Pyrrolidine, 1-nitroso-
U200	50-55-5	Reserpine
U201	108-46-3	Resorcinol
U202	P 81-07-2	Saccharin and salts
U203	94-59-7	Safrole
U204	7783-00-8	Selenious acid
U204	7783-00-8	Selenium dioxide
U205	7488-56-4	Selenium sulfide
U205	7488-56-4	Selenium sulfide SeS[2] (R,T)
U015	115-02-6	L-Serine, diazoacetate (ester)
See F027	93-72-1	Silvex (2,4,5-mp)
U206	18883-66-4	Streptozotocin
U103	77-78-1	Sulfuric acid, dimethyl ester
U189	1314-80-3	Sulfur phosphide (R)
See F027	93-76-5	2,4,5-T
U207	95-94-3	1,2,4,5-Tetrachlorobenzene
U208	630-20-6	1,1,1,2-Tetrachloroethane
U209	79-34-5	1,1,2,2-Tetrachloroethane
U210	127-18-4	Tetrachloroethylene
See F027	58-90-2	2,3,4,6-Tetrachlorophenol
U213	109-99-9	Tetrahydrofuran (I)
U214	563-68-8	Thallium (I) acetate
U215	6533-73-9	Thallium (I) carbonate
U216	7791-12-0	Thallium (I) chloride
U217	7791-12-0	Thallium chloride TiCl
U216	10102-45-1	Thallium (I) nitrate
U218	62-55-5	Thioacetamide
U410	59669-26-0	Thiodiacarb
U153	74-93-1	Thiomethanol (I,T)
U244	137-26-8	Thiooxydicarbonic diamide
U409	23564-05-8	[(H <sub>2</sub> N)(C(S)) <sub>2</sub> ISi <sub>2</sub> ], tetramethyl-
U219	62-56-6	Thiophanate-methyl
U244	137-26-8	Thiourea
U220	108-88-3	Toluene
U221	25376-45-8	Toluenediamine
U223	26471-62-5	Toluene diisocyanate (R,T)
U328	95-53-4	o-Toluidine
U353	106-49-0	p-Toluidine
U389	636-21-5	o-Toluidine hydrochloride
U011	61-82-5	Triallate
U466	--118-79-6	1H-1,2,4-Triazol-3-amine
U227	79-00-5	2,3,6-Trichlorophenol
		1,1,2-Trichloroethane

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US EPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance
U228	79-01-6	Trichloroethylene
U121	75-69-4	Trichloromonofluoromethane
See F027	95-95-4	2,4,5-Trichlorophenol
See F027	88-06-2	2,4,6-Trichlorophenol
U404	121-44-8	Triethylamine
U234	99-35-4	1,3,5-Trinitrobenzene (R,T)
U182	123-63-7	1,3,5-Trinitrobenzene, 2,4,6-trimethyl-
U235	126-72-7	Tris(2,3-dibromopropyl) phosphate
U236	72-57-1	Trypan blue
U237	66-75-1	Uracil mustard
U176	759-73-9	Urea, N-ethyl-N-nitroso-
U177	684-93-5	Urea, N-methyl-N-nitroso-
U043	75-01-4	Vinyl chloride
U248	P 81-81-2	Warfarin, and salts, when present at concentrations of 0.3% or less
U239	1330-20-7	Xylene (1)
U200	50-55-5	Yohimban-16-carboxylic acid, 11,17-dimethoxy-18-methyl ester, [(3,4,5-trimethoxybenzoyl)oxy]-, (3beta,16beta,17alpha,20alpha)-zinc phosphide Zn[3]P[2], when present at concentrations of 10 percent or less

(Source: Amended at 24 Ill. Reg. 9481, effective June 20, 2000)

## Section 721.138 Comparable or Syngas Fuel Exclusion

Wastes that meet the following comparable or syngas fuel requirements are not solid wastes:

- Comparable fuel specifications.
  - Physical specifications.
    - Heating value. The heating value must exceed 5,000 Btu/lb (11,500 J/g).
    - Viscosity. The viscosity must not exceed 50 cs, as-fired.
  - Constituent specifications. For the compounds listed, the constituent specification levels and minimum required detection limits (where non-detect is the constituent specification) are set forth in the table at subsection (d) of this Section.
- Synthesis gas fuel specification. Synthesis gas fuel (i.e., syngas fuel) that is generated from hazardous waste must fulfill the following requirements:

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- It must have a minimum Btu value of 100 Btu/Scf;
  - It must contain less than 1 ppmv of total halogens;
  - It must contain less than 300 ppmv of total nitrogen other than diatomic nitrogen (N<sub>2</sub>);
  - It must contain less than 1 ppmv of hydrogen sulfide; and
  - It must contain less than 200 ppmv of each hazardous constituent in the target list of Appendix H constituents.
- c) Implementation. Waste that meets the comparable or syngas fuel specifications provided by subsection (a) or (b) of this Section (these constituent levels must be achieved by the comparable fuel when generated, or as a result of treatment or blending, as provided in subsection (c)(3) or (c)(4) of this Section) is excluded from the definition of solid waste provided that the following requirements are met:
- Notices. For purposes of this Section, the person claiming and qualifying for the exclusion is called the comparable or syngas fuel generator and the person burning the comparable or syngas fuel is called the comparable or syngas burner. The person that generates the comparable fuel or syngas fuel must claim and certify to the exclusion.
    - Notice to the Agency.
      - The generator must submit a one-time notice to the Agency, certifying compliance with the conditions of the exclusion and providing documentation as required by subsection (c)(1)(A)(iii) of this Section;
      - If the generator is a company that generates comparable or syngas fuel at more than one facility, the generator shall specify at which sites the comparable or syngas fuel will be generated;
      - A comparable or syngas fuel generator's notification to the Agency must contain the items listed in subsection (c)(1)(C) of this Section.
    - Public notice. Prior to burning an excluded comparable or syngas fuel, the burner must publish in a major newspaper of general circulation, local to the site where the fuel will be burned, a notice entitled "Notification of Burning a Comparable or Syngas Fuel Excluded Under the Resource Conservation and Recovery Act" containing the following information:
      - The name, address, and USEPA identification number of the generating facility;
      - The name and address of the units that will burn the comparable or syngas fuel;
      - A brief, general description of the manufacturing, treatment, or other process generating the comparable or syngas fuel;
      - An estimate of the average and maximum monthly and annual quantity of the waste claimed to be excluded;

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and

- v) The name and mailing address of the Agency officer to whom the claim was submitted.

C) Required content of comparable or syngas notification to the Agency.

- i) The name, address, and USRPA identification number of the person or facility claiming the exclusion;
- ii) The applicable USRPA hazardous waste code(s) for the hazardous waste;
- iii) The name and address of the units that meet the requirements of subsection (c)(2) of this Section that which will burn the comparable or syngas fuel; and
- iv) The following statement, signed and submitted by the person claiming the exclusion or its authorized representative:

Under penalty of criminal and civil prosecution for making or submitting false statements, representations, or omissions, I certify that the requirements of 35 Ill. Adm. Code 721.138 have been met for all waste identified in this notification. Copies of the records and information required by 35 Ill. Adm. Code 721.138(c)(10) are available at the comparable or syngas fuel generator's facility. Based on my inquiry of the individuals immediately responsible for obtaining the information, the information is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

BOARD NOTE: Subsections (c)(1)(C)(i) through (c)(1)(C)(iv) are derived from 40 CFR 261.138(c)(1)(i)(C)(1) and (c)(1)(i)(C)(4), which the Board has codified here to comport with Illinois Administrative Code format requirements.

- 2) Burning. The comparable or syngas fuel exclusion for fuels that meet the requirements of subsections subsection (a) or (b) and (c)(1) of this Section applies only if the fuel is burned in the following units that also shall be subject to federal, State, and local air emission requirements, including all applicable federal Clean Air Act (CAA) maximum achievable control technology (MACT) requirements:

- A) Industrial furnaces, as defined in 35 Ill. Adm. Code 720.110;
- B) Boilers, as defined in 35 Ill. Adm. Code 720.110, that are further defined as follows:
  - i) Industrial boilers located on the site of a facility

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engaged in a manufacturing process where substances are transformed into new products, including the component parts of products, by mechanical or chemical processes; or

- ii) Utility boilers used to produce electric power, steam, heated or cooled air, or other gases or fluids for sale;
- C) Hazardous waste incinerators subject to regulation under 35 Ill. Adm. Code 724.Subpart O or 35 Ill. Adm. Code 725.Subpart O or applicable CAA MACT standards. A hazardous waste blended to meet the viscosity specification. A hazardous waste blended to meet the viscosity specification must fulfill the following requirements:
  - A) As generated and prior to any blending, manipulation, or processing, the waste must meet the constituent and heating value specifications of subsections (a)(1)(A) and (a)(2) of this Section;
  - B) The waste must be blended at a facility that is subject to the applicable requirements of 35 Ill. Adm. Code 724 and 725 or 35 Ill. Adm. Code 722.134; and
  - C) The waste must not violate the dilution prohibition of subsection (c)(6) of this Section.
- 4) Treatment to meet the comparable fuel exclusion specifications.
  - A) A hazardous waste may be treated to meet the exclusion specifications of subsections (a)(1) and (a)(2) of this Section provided the treatment fulfills the following requirements:
    - i) The treatment destroys or removes the constituent listed in the specification or raises the heating value by removing or destroying hazardous constituents or materials;
    - ii) The treatment is performed at a facility that is subject to the applicable requirements of 35 Ill. Adm. Code 724 and 725 or 35 Ill. Adm. Code 722.134; and
    - iii) The treatment does not violate the dilution prohibition of subsection (c)(6) of this Section.
  - B) Residuals resulting from the treatment of a hazardous waste listed in Subpart D of this Part to generate a comparable fuel remain a hazardous waste.
- 5) Generation of a syngas fuel.
  - A) A syngas fuel can be generated from the processing of hazardous wastes to meet the exclusion specifications of subsection (b) of this Section provided the processing fulfills the following requirements:
    - i) The processing destroys or removes the constituent listed in the specification or raises the heating value by removing or destroying constituents or materials;

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- ii) The processing is performed at a facility that is subject to the applicable requirements of 35 Ill. Adm. Code 724 and 725 or 35 Ill. Adm. Code 722.134 or is an exempt recycling unit pursuant to Section 721.106(c); and
- iii) The processing does not violate the dilution prohibition of subsection (c)(6) of this Section.
- B) Residuals resulting from the treatment of a hazardous waste listed in Subpart D of this Part to generate a syngas fuel remain a hazardous waste.
- 6) Dilution prohibition for comparable and syngas fuels. No generator, transporter, handler, or owner or operator of a treatment, storage, or disposal facility shall in any way dilute a hazardous waste to meet the exclusion specifications of subsection (a)(1)(A), (a)(2) or (b) of this Section.
- 7) Waste analysis plans. The generator of a comparable or syngas fuel shall develop and follow a written waste analysis plan that which describes the procedures for sampling and analysis of the hazardous waste to be excluded. The waste analysis plan shall be developed in accordance with the applicable sections of the "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (SW-846). The plan shall be followed and retained at the facility excluding the waste.
- A) At a minimum, the plan must specify the following:
- i) The parameters for which each hazardous waste will be analyzed and the rationale for the selection of those parameters;
  - ii) The test methods that which will be used to test for these parameters;
  - iii) The sampling method that which will be used to obtain a representative sample of the waste to be analyzed;
  - iv) The frequency with which the initial analysis of the waste will be reviewed or repeated to ensure that the analysis is accurate and up to date; and
  - v) If process knowledge is used in the waste determination, any information prepared by the generator in making such determination.
- B) The waste analysis plan must also contain records of the following:
- i) The dates and times waste samples were obtained, and the dates the samples were analyzed;
  - ii) The names and qualifications of the persons person(s) who obtained the samples;
  - iii) A description of the temporal and spatial locations of the samples;
  - iv) The name and address of the laboratory facility at which analyses of the samples were performed;
  - v) A description of the analytical methods used,

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- including any clean-up and sample preparation methods;
- vi) All quantitation limits achieved and all other quality control results for the analysis (including method blanks, duplicate analyses, matrix spikes, etc.), laboratory quality assurance data, and description of any deviations from analytical methods written in the plan or from any other activity written in the plan which occurred;
- vii) All laboratory results demonstrating that the exclusion specifications have been met for the waste; and
- viii) All laboratory documentation that supports the analytical results, unless a contract between the claimant and the laboratory provides for the documentation to be maintained by the laboratory for the period specified in subsection (c)(11) of this Section and also provides for the availability of the documentation to the claimant upon request.
- C) Syngas fuel generators shall submit for approval, prior to performing sampling, analysis, or any management of a syngas fuel as an excluded waste, a waste analysis plan containing the elements of subsection (c)(7)(A) of this Section to the Agency. The approval of waste analysis plans must be stated in writing and received by the facility prior to sampling and analysis to demonstrate the exclusion of a syngas. The approval of the waste analysis plan may contain such provisions and conditions as the regulatory authority deems appropriate.
- 8) Comparable fuel sampling and analysis.
- A) General. For each waste for which an exclusion is claimed, the generator of the hazardous waste must test for all the constituents on Appendix H of this Part, except those that the generator determines, based on testing or knowledge, should not be present in the waste. The generator is required to document the basis of each determination that a constituent should not be present. The generator may not determine that any of the following categories of constituents should not be present:
- i) A constituent that triggered the toxicity characteristic for the waste constituents that were the basis of the listing of the waste stream, or constituents for which there is a treatment standard for the waste code in 35 Ill. Adm. Code 728.140;
  - ii) A constituent detected in previous analysis of the waste;
  - iii) Constituents introduced into the process that generates the waste; or
  - iv) Constituents that are byproducts or side reactions to



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the process that generates the waste.

~~Note--to-subsection-(c)(8)--Any claim under this Section must be valid and accurate for all hazardous constituents--a shield-a generator from liability should that constituent later be found in the waste above the exclusion specifications.~~

- B) For each waste for which the exclusion is claimed where the generator of the comparable or syngas fuel is not the original generator of the hazardous waste, the generator of the comparable or syngas fuel may not use process knowledge pursuant to subsection (c)(8)(A) of this Section and must test to determine that all of the constituent specifications of subsections (a)(2) and (b) of this Section have been met.
- C) The comparable or syngas fuel generator may use any reliable analytical method to demonstrate that no constituent of concern is present at concentrations above the specification levels. It is the responsibility of the generator to ensure that the sampling and analysis are unbiased, precise, and representative of the waste. For the waste to be eligible for exclusion, a generator must demonstrate the following:
- That each constituent of concern is not present in the waste above the specification level at the 95 percent upper confidence limit around the mean; and
  - That the analysis could have detected the presence of the constituent at or below the specification level at the 95 percent upper confidence limit around the mean.
- D) Nothing in this subsection (c)(8) preempts, overrides or otherwise negates the provision in 35 Ill. Adm. Code 722.111 that requires any person which generates a solid waste to determine if that waste is a hazardous waste.
- E) In an enforcement action, the burden of proof to establish conformance with the exclusion specification shall be on the generator claiming the exclusion.
- F) The generator must conduct sampling and analysis in accordance with its waste analysis plan developed under subsection (c)(7) of this Section.
- G) Syngas fuel and comparable fuel that has not been blended in order to meet the kinematic viscosity specifications must be analyzed as generated.
- H) If a comparable fuel is blended in order to meet the kinematic viscosity specifications, the generator shall undertake the following actions:
- Analyze the fuel as generated to ensure that it meets the constituent and heating value specifications; and
  - After blending, analyze the fuel again to ensure that the blended fuel continues to meet all comparable or syngas fuel specifications.
- I) Excluded comparable or syngas fuel must be retested

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re-tested, at a minimum, annually and must be retested after a process change that could change the chemical or physical properties of the waste.

Note to subsection (c)(8): Any claim under this Section must be valid and accurate for all hazardous constituents; a determination not to test for hazardous constituent will not shield a generator from liability should that constituent later be found in the waste above the exclusion specifications.

- Speculative accumulation. Any persons handling a comparable or syngas fuel are subject to the speculative accumulation test under Section 721.102(c)(4).
- Records. The generator must maintain records of the following information on-site:
  - All information required to be submitted to the implementing authority as part of the notification of the claim:
    - The owner or operator name, address, and RCRA facility USPSA identification number of the person claiming the exclusion;
    - The applicable USEPA hazardous waste codes for each hazardous waste excluded as a fuel; and
    - The certification signed by the person claiming the exclusion or his authorized representative;
  - A brief description of the process that generated the hazardous waste and process that generated the excluded fuel, if not the same;
  - An estimate of the average and maximum monthly and annual quantities of each waste claimed to be excluded;
  - Documentation for any claim that a constituent is not present in the hazardous waste as required under subsection (c)(8)(A) of this Section;
  - The results of all analyses and all detection limits achieved as required under subsection (c)(8) of this Section;
  - If the excluded waste was generated through treatment or blending, documentation as required under subsection (c)(3) or (c)(4) of this Section;
  - If the waste is to be shipped off-site, a certification from the burner as required under subsection (c)(12) of this Section;
  - A waste analysis plan and the results of the sampling and analysis that include includes the following:
    - The dates and times waste samples were obtained, and the dates the samples were analyzed;
    - The names and qualifications of the persons ~~persons~~ that obtained the samples;
    - A description of the temporal and spatial locations of the samples;
    - The name and address of the laboratory facility at

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- v) which analyses of the samples were performed;
- vi) A description of the analytical methods used, including any clean-up and sample preparation methods;
- vii) All quantitation limits achieved and all other quality control results for the analysis (including method blanks, duplicate analyses, matrix spikes, etc.);
- viii) Laboratory quality assurance data, and description of any deviations from analytical methods written in the plan or from any other activity written in the plan that which occurred;
- viii) All laboratory analytical results demonstrating that the exclusion specifications have been met for the waste; and

- viii) All laboratory documentation that supports the analytical results, unless a contract between the claimant and the laboratory provides for the documentation to be maintained by the laboratory for the period specified in subsection (c)(11) of this Section and also provides for the availability of the documentation to the claimant upon request; and
- i) If the generator ships comparable or syngas fuel off-site for burning, the generator shall retain for each shipment the following information on-site:

- i) The name and address of the facility receiving the comparable or syngas fuel for burning;
  - ii) The quantity of comparable or syngas fuel shipped and delivered;
  - iii) The date of shipment or delivery;
  - iv) A cross-reference to the record of comparable or syngas fuel analysis or other information used to make the determination that the comparable or syngas fuel meets the specifications as required under subsection (c)(8) of this Section; and
  - v) A one-time certification by the burner as required under subsection (c)(12) of this Section.
- 11) Records retention. Records must be maintained for the period of three years. A generator shall maintain a current waste analysis plan during that three year period.
- 12) Burner certification. Prior to submitting a notification to the Agency, a comparable or syngas fuel generator that intends to ship its **their** fuel off-site for burning must obtain a one-time written, signed statement from the burner that includes the following:
- A) A certification that the comparable or syngas fuel will only be burned in an industrial furnace or boiler, utility boiler, or hazardous waste incinerator, as required under subsection (c)(2) of this Section;
  - B) Identification of the name and address of the units that

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- C) will burn the comparable or syngas fuel; and
- C) A certification that the state in which the burner is located is authorized to exclude wastes as comparable or syngas fuel under the provisions of this Section.

- 13) Ineligible waste codes. Wastes that are listed because of presence of dioxins or furans, as set out in Appendix G of this Part, are not eligible for this exclusion, and any fuel produced from or otherwise containing these wastes remains a hazardous waste subject to full RCRA hazardous waste management requirements.

- d) Table Y of this Part sets forth the table of detection and detection limit values for comparable fuel specification.<sup>3</sup>

Chemical Name	EAS No.	Concentration limit (mg/kg 107,000-BW/1b)	Minimum required detection limit (mg/kg)-et
Total Nitrogen-As-N	na	4900	
Total Halogens-As-Cl	na	540	
Total Organic Halogens-As-Cl	na	25-00-individual halogenated organics-listed	
Polychlorinated-biphenyls	1336-36-3	Below	±-4
Total-Aroclors-total-eta		Non-detect	±-0
Cyanide-total	57-12-5	Non-detect	±-0
Metals:			
Antimony-total	7440-36-0	7-9	
Arsenic-total	7440-38-2	0-23	
Barium-total	7440-39-3	23	
Beryllium-total	7440-41-7	±-2	
Cadmium-total	7440-43-9	±-2	
Chromium-total			
Cobalt	7440-47-3	2-3	
Copper	7440-48-4	4-6	
Lead-total	7439-92-1	3±	
Manganese	7439-96-5	±-2	
Mercury-total	7439-97-6	0-24	
Nickel-total	7440-02-9	50	
Selenium-total	7782-49-2	0-15	
Silver-total	7440-22-4	2-3	
Thallium-total	7440-28-0	23	
Hydrocarbons:			
Benzofluoranthene	56-55-3	±100	
Benzene	71-43-2	±100	
Benzofluoranthene	205-99-2	900	
Benzofluoranthene	203-08-9	±900	



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Chemical Name	CAS-No-	Concentration limit-(mg/kg 10,000-Btu/lb)	Minimum required detection limit-(mg/kg) 10,000-Btu/lb)
2,6-Dinitrochloroene	600-20-2	Non-detect	1000
Dibenzof-(p-sec-Butyl-4,6-dinitrophenol)	80-95-7	Non-detect	1000
Biphenylamine	322-39-4	Non-detect	1000
Ethyl carbamate (urethane)	53-29-6	Non-detect	100
Ethylmethionine-(2- aminoacetic acid)	96-45-7	Non-detect	110
Fluoranthene	52-05-7	Non-detect	100
Methacrylonitrile	120-90-7	Non-detect	37
Methacrylonitrile	93-80-5	Non-detect	1000
Methoxy	16752-77-5	Non-detect	57
2-Methylacetonitrile (acetone-cyanohydrin)	75-86-5	Non-detect	100
Methyl-parathion	298-00-0	Non-detect	1000
MNRG-(N-Methyl-N- nitroso-N-nitro- guanidine)	70-25-7	Non-detect	110
1-Naphthylamine-(alpha- Naphthylamine)	134-32-7	Non-detect	1000
2-Naphthylamine-(beta- Naphthylamine)	91-59-8	Non-detect	1000
Nicotine	54-11-5	Non-detect	100
4-Nitroaniline-(p- Nitroaniline)	100-01-6	Non-detect	1000
Nitrobenzene	98-95-3	Non-detect	1000
p-Nitrophenol-(p- Nitrophenol)	100-02-7	Non-detect	1000
5-Nitro-o-toluidine	99-55-0	Non-detect	1000
N-Nitrosodi-n-butyl- amine	924-16-3	Non-detect	1000
N-Nitrosodimethylamine	55-10-5	Non-detect	1000
N-Nitrosodiphenyl- amine-(p-phenylnitros- amine)	80-50-6	Non-detect	1000
N-Nitroso-N-methyl- ethylaniline	10555-95-6	Non-detect	1000
N-Nitrosomorpholine	59-09-2	Non-detect	1000
N-Nitrosopyridine	100-75-4	Non-detect	1000
N-Nitrosopyrrolidine	930-55-2	Non-detect	1000
N-Nitropropane	79-46-9	Non-detect	30
Parathion	59-30-2	Non-detect	1000
Phenacetin	62-44-2	Non-detect	1000

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Chemical Name	CAS-No-	Concentration limit-(mg/kg 10,000-Btu/lb)	Minimum required detection limit-(mg/kg) 10,000-Btu/lb)
1,4-Phenylenediamine-(p-Phenylenediamine)	106-50-3	Non-detect	1000
N-Phenylthiourea	103-05-5	Non-detect	57
2-Picoline-(alpha-Picoline)	109-06-8	Non-detect	1000
Propylthiocarbamate-(6-propyl-2-thiouracil)	51-52-5	Non-detect	100
Pyridine	110-06-1	Non-detect	1000
Strychnine	57-24-9	Non-detect	100
Thionacetamide	62-55-5	Non-detect	57
Thionitrox	39190-10-4	Non-detect	100
Thiourea	62-56-6	Non-detect	57
Thiourea-2,4-diamine (2,4-Diaminotoluene)	95-80-7	Non-detect	57
Thiourea-2,6-diamine (2,6-Diaminotoluene)	823-40-5	Non-detect	57
o-Toluidine	95-53-4	Non-detect	2000
p-Toluidine	106-49-0	Non-detect	1000
1,3,5-Trinitrobenzene (sym-Trinitrobenzene)	99-35-4	Non-detect	2000
Halogenated-organics(b): Allyl-chloride	107-05-1	Non-detect	37
Arsenite	104-57-8	Non-detect	1000
Benzal-chloride-(Di-chloromethyl-benzene)	98-07-3	Non-detect	100
Benzyl-chloride	100-44-77	Non-detect	100
Bis(2-chloroethoxy)ether (Bis-chloroethoxy-ether)	111-44-4	Non-detect	1000
Bromoform-(p-bromomethane)	75-25-2	Non-detect	37
Bromomethane-(Methyl bromide)	74-83-9	Non-detect	37
4-Bromophenyl-phenyl- ether-(p-Bromodiphenyl- ether)	101-55-3	Non-detect	1000
Carbon-tetrachloride Chloroform	56-23-5	Non-detect	37
p-Chloroaniline	57-74-9	Non-detect	14
Chlorobenzene	106-47-8	Non-detect	1000
Chlorobenzonitrile	108-90-7	Non-detect	37
p-Chloro-m-cresol	510-15-6	Non-detect	1000
2-Chloroethoxy-vinyl ether	59-50-7	Non-detect	1000
	110-75-8	Non-detect	37

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Chemical Name	CAS No.	Concentration limit-(mg/kg detection 10,000-Btu/lb)	Minimum required detection limit-(mg/kg)
Chloroform	67-66-3	Non-detect	37
Chloroethane-(Methyl chloride)	74-87-3	Non-detect	37
2-Chlorophthalene	91-58-7	Non-detect	1900
2-Chlorophenol-[o- Chlorophenol]	95-57-8	Non-detect	1900
Chloroethene-(2-Chloro- 1,3-butadiene)	1126-99-8	Non-detect	37
2,4-D-(2,4-Dichloro- phenoxycetic acid)	94-75-7	Non-detect	7-0
Bioline	2903-16-4	Non-detect	1900
1,2-Dibromo-3-chloro- propane	96-12-8	Non-detect	37
1,2-Dichlorobenzene	95-50-1	Non-detect	1900
1,3-Dichlorobenzene	541-73-1	Non-detect	1900
1,4-Dichlorobenzene	106-46-7	Non-detect	1900
1,5-Dichlorobenzene	91-94-1	Non-detect	1900
1,6-Dichlorobenzene	75-73-8	Non-detect	37
1,2-Dichloroethane	107-06-2	Non-detect	37
1,2-Dichloroethene	75-35-4	Non-detect	37
1,3-Dichloroethylene	111-91-1	Non-detect	1900
1,4-Dichloroethylene	120-83-2	Non-detect	1900
1,5-Dichloroethylene	87-65-0	Non-detect	1900
1,6-Dichloroethylene	78-87-5	Non-detect	37
1,7-Dichloroethylene	10661-01-5	Non-detect	37
1,8-Dichloroethylene	10661-02-6	Non-detect	37
1,9-Dichloroethylene	96-23-1	Non-detect	30
1,10-Dichloroethylene	959-98-0	Non-detect	1-4
1,11-Dichloroethylene	3343-65-9	Non-detect	1-4
1,12-Dichloroethylene	72-26-8	Non-detect	1-4

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Chemical Name	CAS No.	Concentration limit-(mg/kg detection 10,000-Btu/lb)	Minimum required detection limit-(mg/kg)
Endrin-aldehyde	7421-93-4	Non-detect	1-4
Endrin-Ketone	53494-78-5	Non-detect	1-4
Epichlorohydrin-[1- Chloro-2,3-epoxy propane]	106-89-8	Non-detect	30
Ethylene-dichloride	75-34-3	Non-detect	37
1,1-Dichloroethane	640-19-7	Non-detect	100
2-Dichloroethane	76-44-8	Non-detect	1-4
Heptachlor-epoxide	1024-53-3	Non-detect	2-8
Hexachlorobenzene	118-74-1	Non-detect	1900
Hexachloro-1,3-butadiene	87-68-3	Non-detect	1900
Hexachlorocyclopentadiene	77-47-4	Non-detect	1900
Hexachloroethane	57-72-1	Non-detect	1900
Hexachlorophene	78-30-4	Non-detect	1900
Hexachloropropene	1480-72-7	Non-detect	1900
Hexachloropropylene	465-73-6	Non-detect	1900
Isodrin	143-50-0	Non-detect	3600
Kepone-[Gamma-Hexachlorocyclohexane]	58-89-9	Non-detect	1-4
gamma-BHE	75-09-2	Non-detect	37
ethylene-chloride	101-14-4	Non-detect	100
1,1-Dichloroethane	74-88-4	Non-detect	37
1,2-Dichloroethane	600-93-5	Non-detect	1900
1,3-Dichloroethane	76-01-7	Non-detect	37
1,4-Dichloroethane	92-68-8	Non-detect	1900
1,5-Dichloroethane	10661-01-5	Non-detect	37
1,6-Dichloroethane	10661-02-6	Non-detect	37
1,7-Dichloroethane	96-23-1	Non-detect	30
1,8-Dichloroethane	959-98-0	Non-detect	1-4
1,9-Dichloroethane	3343-65-9	Non-detect	1-4
1,10-Dichloroethane	72-26-8	Non-detect	1-4



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Chemical Name	CAS No.	Concentration limit (mg/kg 10-000-Btu/lb)	Minimum required detection limit (mg/kg)
dibenzop-dioxin 127377-6-REBPB			
1,2,4,5-tetrachloro- benzene	95-94-3	Non-detect	1000
1,1,2,2-tetrachloro- ethane	79-34-5	Non-detect	37
tetrachloroethylene {tetrachloroethylene}	127-18-4	Non-detect	37
2,3,4,6-tetrachloro- phenol	58-90-2	Non-detect	1000
1,2,3,4-tetrachlorobenzene	120-82-1	Non-detect	1000
1,2,3-trichloroethane {methyl-chloroform}	71-55-6	Non-detect	37
1,2,2-trichloroethane {vinyl-trichloride}	79-00-5	Non-detect	37
trichloroethylene	79-01-6	Non-detect	37
trichlorofluoromethane	75-69-4	Non-detect	37
{trichloromonofluoro- methane}			
2,4,5-trichlorophenol	95-95-4	Non-detect	1000
2,4,6-trichlorophenol	88-06-2	Non-detect	1000
1,2,3-trichloropropane	96-18-4	Non-detect	37
Vinyl-chloride	75-01-4	Non-detect	37

(a) Absence of PCBs can also be demonstrated by using appropriate screening methods; e.g.: immunosay kit for PCB in oils (Method 4026) or colorimetric analysis for PCBs in oil (Method 9079).

(b) Some minimum required detection limits are above the total halogen limit of 540 ppm. The detection limits reflect what was achieved during USEPA testing and analysis and also analytical complexity associated with measuring all halogen compounds on Appendix II of this Part at low levels. USEPA stated that it recognizes that in practice the presence of these compounds will be functionally limited by the molecular weight and the total halogen limit of 540 ppm.

(Source: Amended at 24 Ill. Reg. 9481, effective June 20, 2000)

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## Section 721.APPENDIX G Basis for Listing Hazardous Wastes

USEPA hazardous waste No.	Hazardous constituents for which listed
F001	Tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, carbon tetrachloride, chlorinated fluorocarbons
F002	Tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, 1,1,2-trichloroethane, chlorobenzene, 1,1,2-trichloro-1,1,2,2-trifluoroethane, ortho-dichlorobenzene, trichlorofluoromethane.
F003	N.A.
F004	Cresols and cresylic acid, nitrobenzene.
F005	Toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, 2-ethoxyethanol, benzene, 2-nitropropane.
F006	Cadmium, hexavalent chromium, nickel, cyanide (complexed).
F007	Cyanide (salts).
F008	Cyanide (salts).
F009	Cyanide (salts).
F010	Cyanide (salts).
F011	Cyanide (salts).
F012	Cyanide (complexed).
F019	Hexavalent chromium, cyanide (complexed).
F020	Tetra- and pentachlorodibenzo-p-dioxins; tetra- and pentachlorodibenzofurans; tri- and tetrachlorophenols and their chlorophenoxy derivative acids, esters, ethers, amines and other salts.
F021	Penta- and hexachlorodibenzo-p-dioxins; penta- and hexachlorodibenzofurans; pentachlorophenol and its derivatives.
F022	Tetra-, penta- and hexachlorodibenzo-p-dioxins; tetra-, penta- and hexachlorodibenzofurans.
F023	Tetra- and pentachlorodibenzo-p-dioxins; tetra- and pentachlorodibenzofurans; tri- and tetra- chlorophenols and their chlorophenoxy derivative acids, esters, ethers, amines and other salts.
F024	Chloromethane, dichloromethane, trichloromethane, carbon tetrachloride, chloroethylene, 1,1-dichloroethane, 1,2-dichloroethane, trans-1,2-dichloroethylene, 1,1-dichloroethylene, 1,1,2-trichloroethane, 1,1,2-trichloroethane, 1,1,1,2-tetrachloroethane, 1,1,1,2,2-tetrachloroethane, tetrachloroethylene, pentachloroethane, hexachloroethane, allyl chloride (3-chloropropene), dichloropropane, dichloropropene, 2-chloro-1,3-butadiene, hexachloro-1,3-butadiene, hexachlorocyclopentadiene, hexachlorocyclohexane, benzene, chlorobenzene, dichlorobenzenes, 1,2,4-trichlorobenzene,

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Hazardous constituents for which listed		Hazardous constituents for which listed	
USEPA hazardous waste No.		USEPA hazardous waste No.	
F025	tetrachlorobenzenes, pentachlorobenzene, hexachlorobenzene, toluene, naphthalene. Chloromethane, dicloromethane, trichloromethane; carbon tetrachloride; chloroethylene; 1,1-dichloroethane; 1,2-dichloroethane; trans-1,2-dichloroethylene; 1,1-dichloroethylene; 1,1,1-trichloroethane; 1,1,2-trichloroethane; 1,1,1,2-tetrachloroethane; 1,1,2,2-tetrachloroethane; 1,1,2-trichloroethylene; hexachloroethane; allyl chloride (3-chloropropene); dichloropropane; dichloropropene; 2-chloro-1,3-butadiene; hexachloro-1,3-butadiene; hexachlorocyclopentadiene; benzene; trichlorobenzene; dichlorobenzene; 1,2,4-trichlorobenzene; trichlorobenzene; pentachlorobenzene; hexachlorobenzene; toluene; naphthalene.	K003 K004 K005 K006 K007 K008 K009 K010 K011 K012 K013 K014 K015 K016	Hexavalent chromium, lead. Hexavalent chromium. Hexavalent chromium. Hexavalent chromium. Cyanide (complexed), hexavalent chromium. Hexavalent chromium. Chloroform, formaldehyde, methylene chloride, methyl chloride, paraaldehyde, formic acid. Chloroform, formaldehyde, methylene chloride, methyl chloride, paraaldehyde, formic acid, chloroacetaldehyde. Acrylonitrile, acetonitrile, acrylonitrile, hydrocyanic acid. Hydrocyanic acid, acrylonitrile, acetonitrile. Acetonitrile, acrylonitrile. Benzyl chloride, chlorobenzene, toluene, benzotrithloride. Hexachlorobenzene, hexachlorobutadiene, carbon tetrachloride, hexachloroethane, perchloroethylene.
F026	Tetra-, penta- and hexachlorodibenzop-dioxins; tetra-, penta- and hexachlorodibenzofurans.	K017	Epichlorohydrin, chloroethers [bis(chloromethyl) ether and bis-(2-chloroethyl) ethers], trichloropropane, dichloropropanols.
F027	Tetra-, penta-, and hexachlorodibenzop-dioxins; tetra-, penta- and hexachlorodibenzofurans; tri-, tetra-, and pentachlorophenols and their chlorophenoxy derivative acids, esters, ethers, amine and other salts.	K018	1,2-dichloroethane, trichloroethylene, hexachlorobutadiene, hexachlorobenzene.
F028	Tetra-, penta-, and hexachlorodibenzo-p-dioxins; tetra-, penta- and hexachlorodibenzofurans; tri-, tetra-, and pentachlorophenols and their chlorophenoxy derivative acids, esters, ethers, amine and other salts.	K019	Ethylene dichloride, 1,1,1-trichloroethane, 1,1,2-trichloroethane, (1,1,2,2-tetrachloroethane and 1,1,1,2-tetrachloroethane), trichloroethylene, tetrachloroethylene, carbon tetrachloride, chloroform, vinyl chloride, vinylidene chloride.
F032	Benz(a)anthracene, benzo(a)pyrene, dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene, pentachlorophenol, arsenic, chromium, tetra-, penta-, hexa-, heptachlorodibenzo-p-dioxins, tetra-, penta-, hexa-, heptachlorodibenzofurans.	K020	Ethylene dichloride, 1,1,2-trichloroethane, (1,1,2,2-tetrachloroethane and 1,1,1,2-tetrachloroethane), trichloroethylene, tetrachloroethylene, carbon tetrachloride, chloroform, vinyl chloride, vinylidene chloride.
F034	Benz(a)anthracene, benzo(k)fluoranthene, benzo(a)pyrene, dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene, naphthalene, arsenic chromium.		
F035	Arsenic, chromium and lead.	K021	Antimony, carbon tetrachloride, chloroform.
F037	Benzene, benzo(a)pyrene, chrysene, lead, chromium.	K022	Phenol, tars (polycyclic aromatic hydrocarbons).
F038	Benzene, benzo(a)pyrene, chrysene, lead, chromium.	K023	Phthalic anhydride, maleic anhydride.
F039	All constituents for which treatment standards are specified for multi-source leachate (wastewaters and non-wastewaters) under 35 Ill. Adm. Code 728 Table B (Constituent Concentrations in Waste).	K024	Phthalic anhydride, 1,4-naphthoquinone.
		K025	Meta-dinitrobenzene, 2,4-dinitrotoluene.
		K026	Paraaldehyde, pyridines, 2-picolone.
K001	Pentachlorophenol, phenol, 2-chlorophenol, p-chloro-m-cresol, 2,4-dimethylphenol, 2,4-dinitrophenol, trichlorophenols, tetrachlorophenols, 2,4-dinitrophenol, cresosote, chrysene, naphthalene, fluoranthene, benzo(b)fluoranthene, benzo(a)pyrene, indeno(1,2,3-cd)pyrene, benz(a)anthracene, dibenz(a)anthracene, acenaphthalene.	K027 K028 K029 K030	Toluene diisocyanate, toluene-2,4-diamine. 1,1,1-trichloroethane, vinyl chloride. 1,2-dichloroethane, 1,1,1-trichloroethane, vinyl chloride, vinylidene chloride, chloroform. Hexachlorobutadiene, hexachlorobenzene, hexachloroethane, ethylene dichloride.
K002	Hexavalent chromium, lead.	K031	Arsenic.

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K032	Hexachlorocyclopentadiene.	K090	Chromium.
K033	Hexachlorocyclopentadiene.	K091	Chromium.
K034	Hexachlorocyclopentadiene.	K093	Phthalic anhydride, maleic anhydride.
K035	Cresote, chrysene, naphthalene, fluoanthene, benzo(b) pyrene, benzo(a)anthracene, benzo(a)pyrene, indeno(1,2,3-cd) pyrene, benzo(a)anthracene, dibenzo(a,h)anthracene, acenaphthalene.	K094	Phthalic anhydride.
K036	Toluene, phosphorodithioic acid and phosphorothioic acid esters.	K095	1,1,2-trichloroethane, 1,1,1,2-tetrachloroethane, 1,1,2,2-tetrachloroethane.
K037	Toluene, phosphorodithioic acid and phosphorothioic acid esters.	K096	1,2-dichloroethane, 1,1,1-trichloroethane, 1,1,2-trichloroethane.
K038	Phorate, formaldehyde, phosphorodithioic acid and phosphorothioic acid esters.	K097	Chlordane, heptachlor.
K039	Phosphorodithioic acid and phosphorothioic acid esters.	K098	Toxaphene.
K040	Phorate, formaldehyde, phosphorodithioic acid and phosphorothioic acid esters.	K099	2,4-dichlorophenol, 2,4,6-trichlorophenol.
K041	Toxaphene.	K100	Hexavalent chromium, lead, cadmium.
K042	Hexachlorobenzene, ortho-dichlorobenzene.	K101	Arsenic.
K043	2,4-dichlorophenol, 2,6-dichlorophenol, 2,4,6-trichlorophenol.	K102	Arsenic.
K044	N.A.	K103	Aniline, nitrobenzene, phenylenediamine.
K045	N.A.	K104	Aniline, benzene, diphenylamine, nitrobenzene, phenylenediamine.
K046	Lead.	K105	Benzene, monochlorobenzene, dichlorobenzenes, 2,4,6-trichlorophenol.
K047	N.A.	K106	Mercury.
K048	Hexavalent chromium, lead.	K111	2,4-Dinitrotoluene.
K049	Hexavalent chromium, lead.	K112	2,4-Toluenediamine, o-toluidine, p-toluidine, aniline.
K050	Hexavalent chromium, lead.	K113	2,4-Toluenediamine, o-toluidine, p-toluidine, aniline.
K051	Hexavalent chromium, lead.	K114	2,4-Toluenediamine, o-toluidine, p-toluidine.
K052	Lead.	K115	2,4-Toluenediamine.
K060	Cyanide, naphthalene, phenolic compounds, arsenic.	K116	Carbon tetrachloride, tetrachloroethylene, chloroform, phosgene.
K061	Hexavalent chromium, lead, cadmium.	K117	Ethylene dibromide.
K062	Hexavalent chromium, lead, cadmium.	K118	Ethylene dibromide.
K064	Lead, cadmium.	K123	Ethylene thiourea.
K065	Lead, cadmium.	K124	Ethylene thiourea.
K066	Lead, cadmium.	K125	Ethylene thiourea.
K069	Hexavalent chromium, lead, cadmium.	K126	Ethylene thiourea.
K071	Mercury.	K131	Dimethyl sulfate, methyl bromide.
K073	Chloroform, carbon tetrachloride, hexachloroethane, trichloroethane, tetrachloroethylene, dichloroethylene, 1,1,2,2-tetrachloroethane.	K132	Methyl bromide.
K083	Aniline, diphenylamine, nitrobenzene, phenylenediamine.	K136	Ethylene dibromide.
K084	Arsenic.	#449	2,4,6-Trichlorophenol
K085	Benzene, dichlorobenzenes, trichlorobenzenes, tetrachlorobenzenes, pentachlorobenzene, hexachlorobenzene, benzyl chloride, lead, hexavalent chromium.	K141	Benzene, benz(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, indeno(1,2,3-cd)pyrene.
K086	Phenol, naphthalene.	K142	Benzene, benz(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, indeno(1,2,3-cd)pyrene.
K088	Cyanide (complexes).		

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K143	Benzene, benzo(a)anthracene, benzo(b)fluoranthene, benzo(k)fluoranthene.
K144	Benzene, benz(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, dibenz(a,h)anthracene.
K145	Benzene, benz(a)anthracene, benzo(a)pyrene, dibenz(a,h)anthracene, naphthalene.
K147	Benzene, benz(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene.
K148	Benz(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene.
K149	Benzotrichloride, benzyl chloride, chloroform, chloromethane, chlorobenzene, 1,4-dichlorobenzene, hexachlorobenzene, pentachlorobenzene, 1,2,4,5-tetrachlorobenzene, toluene.
K150	Carbon tetrachloride, chloroform, chloromethane, 1,4-dichlorobenzene, hexachlorobenzene, pentachlorobenzene, 1,2,4,5-tetrachlorobenzene, 1,1,2,2-tetrachloroethane, tetrachloroethylene, 1,2,4-trichlorobenzene.
K151	Benzene, carbon tetrachloride, chloroform, hexachlorobenzene, pentachlorobenzene, toluene, 1,2,4,5-tetrachlorobenzene, tetrachloroethylene.
K156	Benomyl, carbaryl, carbendazim, carbofuran, carbosulfan, formaldehyde, methylene chloride, triethylamine.
K157	Carbon tetrachloride, formaldehyde, methyl chloride, methylene chloride, pyridine, triethylamine.
K158	Benomyl, carbendazim, carbofuran, carbosulfan, chloroform, methylene chloride.
K159	Benzene, butylate, EPTC, molinate, pebulate, vernolate.
K161	Antimony, arsenic, metam-sodium, ziram.
K169	Benzene.
K170	Benzo(a)pyrene, dibenz(a,h)anthracene, benzo (a) anthracene, benzo(b)fluoranthene, benzo(k)fluoranthene, 3-methylcholanthrene, 7,12-dimethylbenz(a)anthracene.
K171	Benzene, arsenic.
K172	Benzene, arsenic.

N.A.--Waste is hazardous because it fails the test for the characteristic of ignitability, corrosivity, or reactivity.

(Source: Amended at 24 Ill. Reg. **94 81**, effective June 20, 2000)

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## Section 721.APPENDIX H Hazardous Constituents

Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
A213	Ethanimidothioic acid, 2-(dimethylamino)-N-hydroxy-2-oxo-, methyl ester	30558-43-1	U394
Acetonitrile	Same	75-05-8	U003
Acetophenone	Ethanone, 1-phenyl-	98-86-2	U004
2-Acetylaminofluorene	Acetamide, N-9H-fluoren-2-yl-	53-96-3	U005
Acetyl chloride	Same	75-36-5	U006
1-Acetyl-2-thiourea	Acetamide, N-(aminothioxomethyl)-	591-08-2	P002
Acrolein	2-Propenal	107-02-8	P003
Acrylamide	2-Propenamide	79-06-1	U007
Acrylonitrile	2-Propenenitrile	107-13-1	U009
Aflatoxins	Same	1402-68-2	P070
Aldicarb	Propanal, 2-methyl-2-(methylthio)-, O-[(methylamino)carbonyl] oxime	116-06-3	P070
Aldicarb sulfone	Propanal, 2-methyl-2-(methylsulfonyl)-, O-[(methylamino)carbonyl]-oxime	1646-88-4	P203
Aldrin	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-, 1,4,4a,5,8a-hexahydro-, 1-alpha, 4-alpha, 8-alpha, 8-beta, 5-alpha, 8-alpha	309-00-2	P004
Allyl alcohol	2-Propen-1-ol	107-18-6	P005
Allyl chloride	1-Propene, 3-chloro-	107-18-6	P006
Aluminum phosphide	Same	20859-73-8	P006
4-Aminobiphenyl	[1,1'-Biphenyl]-4-amine	92-67-1	P007
5-(Aminomethyl)-3-isoxazolol	5-(Aminomethyl)-3-isoxazolone, 5-(aminomethyl)-4-Pyridinamine	2763-96-4	P007
Amitrole	18-1,2,4-Triazol-3-amine	504-24-5	P008
Ammonium vanadate	Vanadic acid, ammonium salt	61-82-5	U011
Aniline	Benzenamine	7803-55-6	U119
Antimony	Same	62-53-3	U012
		7440-36-0	





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Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
Carbon tetrachloride	Methane, tetrachloro-	56-23-5	U211
Chloral	Acetaldehyde, trichloro-	75-87-6	U034
Chlorambucil	Benzenebutanoic acid 4-[(bis(2-chloroethyl)amino)-2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-	305-03-3	U035
Chlordane	chloroethyl)amino]-4,7-methano-1H-indene, 1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-	57-74-9	U036
Chlordane, alpha and gamma isomers			
Chlorinated benzenes, N.O.S.			U036
Chlorinated ethane, N.O.S.			
Chlorinated fluorocarbons, N.O.S.			
Chlorinated naphthalene, N.O.S.			
Chlorinated phenol, N.O.S.			
Chloronaphazene	Naphthalenamine, N,N 1-bis(2-chloroethyl)-	494-03-1	U026
Chloroacetaldehyde	Acetaldehyde, chloro-	107-20-0	P023
Chloroalkyl ethers, N.O.S.			
p-Chloroaniline	Benzenamine, 4-chloro-	106-47-8	P024
Chlorobenzene	Benzene, chloro-	108-90-7	U037
Chlorobenziolate	Benzoic acid, chloro-	510-15-6	U038
p-Chloro-m-cresol	4-chloro- <b>alpha</b> -(4-chlorophenyl)- <b>alpha</b> -hydroxy-, ethyl ester		
2-Chloroethyl vinyl ether	Phenol, 4-chloro-3-methyl-ethene, (2-chloroethoxy)-	59-50-7	U039
Chloroform		110-75-8	U042
Chloromethyl methyl ether	Methane, trichloro-	67-66-3	U044
beta-Chloronaphthalene	Methane, chloromethoxy-	107-30-2	U046
o-Chlorophenol	Naphthalene, 2-chloro-	91-58-7	U047
1-(o-Chlorophenyl)thiourea	Phenol, 2-chloro-	95-57-8	U048
Chloroprene	(2-chlorophenyl)-1,3-Butadiene, 2-chloro-	5344-82-1	P026
		126-99-8	

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
3-Chloropropionitrile	Propanenitrile, 3-chloro-	542-76-7	P027
Chromium compounds, N.O.S.	Same	7440-47-3	
Chrysene	Same		
Citrus red No. 2	2-Naphthalenol, 1-[(2, 5-dimethoxyphenyl)azo]-	218-01-9	U050
Coal tar creosote	Same	6358-53-8	
Copper cyanide	Copper cyanide CuCN	8007-45-2	P029
Copper dimethyldithiocarbamate	Copper, bis(dimethyl-carbamodithioato-S,S')-, dimethyldithiocarbamate	544-92-3	
Creosote	Same	137-29-1	
Cresols (Cresylic acid)	Phenol, methyl-		U051
Crotonaldehyde	2-Butenal	1319-77-3	U052
m-Cumenyl methylcarbamate	Phenol, 3-(methylethyl)-, methyl carbamate	4170-30-3	U053
Cyanides (soluble salts and complexes), N.O.S.		64-00-6	P202
Cyanogen	Ethanedinitrile		P030
Cyanogen bromide	(CN)Br	460-19-5	P031
Cyanogen chloride	Cyanogen chloride (CN)Cl	506-68-3	U246
Cycasin	Beta-D-glucopyranoside, (methyl- <b>OMN</b> -azoxy)methyl-	506-77-4	P033
Cycloate	Carbamethioic acid, cyclohexylethyl-, S-ethyl ester	14901-08-7	
2-Cyclohexyl-4,6-dinitrophenol	Phenol, 2-cyclohexyl-4,6-dinitro-	1134-23-2	
Cyclophosphamide	Oxazaphosphorin-2-amine, N, N-bis(2-chloroethyl) tetrahydro-, 2-oxide	131-89-5	P034
2,4-D	Acetic acid, (2,4-dichlorophenoxy)-	50-18-0	U058
2,4-D, salts and esters	Acetic acid, (2,4-dichlorophenoxy)-, (2,4-dichlorophenoxy)-, salts and esters	94-75-7	U240
Daunomycin	8-acetyl-10-[(3-amino-2,6-trideoxy- <b>alpha</b> -L-lyxo-	20830-81-	U059



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Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
Diethyl-p-nitrophenyl phosphate	S-methyl ester-Phosphoric acid, diethyl 4-nitrophenyl ester	311-45-5	P041
Diethyl phthalate	1,2-Benzenedi-carboxylic acid, diethyl ester-	84-66-2	U088
O,O-Diethyl O-pyrazinyl phosphorothioate	Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester	297-97-2	P040
Diethylstilbestrol	Phenol, 4,4'-(1,2-diethyl-1,2-ethenediyl)bis-, (E)-	56-53-1	U089
Dihydrosafrole	1,3-Benzodioxole, 5-propyl-	94-58-6	U090
Diisopropyl fluorophosphate (DFP)	Phosphorofluoridic acid, bis(1-methylethyl) ester	35-91-4	P043
Dimethoate	Phosphorodithioic acid, O,O-dimethyl S-[2-(methylamino)-2-oxoethyl] ester	60-51-5	P044
Dimetilan	Carbamic acid, dimethyl-, 1-[(dimethylamino)carbonyl]-5-methyl-1H-pyrazol-3-yl ester	644-64-4	P191
3,3'-Dimethoxy benzidine	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethoxy-	119-90-4	U091
p-Dimethylamino azobenzene	Benzenamine, N,N'-dimethyl-4-(phenylazo)-	60-11-7	U093
7,12-Dimethylbenz[a]anthracene	Benz[a]anthracene, 7,12-dimethyl-	57-97-6	U094
3,3'-Dimethyl benzidine	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethyl-	119-93-7	U095
Dimethylcarbamoyl chloride	Carbamic chloride, dimethyl-	79-44-7	U097
1,1-Dimethylhydrazine	Hydrazine, 1,1-dimethyl-	57-14-7	U098
1,2-Dimethylhydrazine	Hydrazine, 1,2-dimethyl-	540-73-8	U099
<b>alpha, alpha</b> -Dimethylphenethylamine	Benzenethanamine, <b>alpha, alpha</b> -dimethyl-	122-09-8	P046
2,4-Dimethylphenol	Phenol, 2,4-dimethyl-	105-67-9	U101
Dimethylphthalate	1,2-Benzenedicarboxylic acid, dimethyl ester	131-11-3	U102
Chemical Abstracts Number (CAS No.)	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
77-78-1	acid, dimethyl ester Sulfuric acid, dimethyl ester	77-78-1	U103
25154-54-5	Benzenes, dinitro-Phenol, 2-methyl-4,6-dinitro-	25154-54-5	P047
534-52-1	Phenol, 2-methyl-4,6-dinitro-	534-52-1	P047
51-28-5	Phenol, 2,4-dinitro-	51-28-5	P048
121-14-2	Benzenes, 1-methyl-2,4-dinitro-	121-14-2	U105
606-20-2	Benzenes, 2-methyl-1,3-dinitro-	606-20-2	U106
88-85-7	Phenol, 2-(1-methylpropyl)-4,6-dinitro-	88-85-7	P020
117-84-0	1,2-Benzenedicarboxylic acid, diethyl ester	117-84-0	U107
122-39-4	Benzenamine, N-phenyl-	122-39-4	U109
122-66-7	Hydrazine, 1,2-diphenyl	122-66-7	U111
621-64-7	1-Propanamine, N-nitroso-N-propyl-	621-64-7	U111
97-77-8	Thioperoxydicarbonic diamide, tetraethyl phosphorodithioic acid, O,O-diethyl 8-[2-(ethylthio)ethyl] ester	97-77-8	P039
298-04-4	Phosphorodithioic acid, O,O-diethyl 8-[2-(ethylthio)ethyl] ester	298-04-4	P049
541-53-7	[[H(2)N(C(S))][2]NH	541-53-7	P050
115-29-7	6,9-Methano-2,4,3-benzodioxathiepen,6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-, 3-oxide,	115-29-7	P088
145-73-3	7-Oxabicyclo[2.2.1]heptane-2,3-dicarboxylic acid	145-73-3	P051
72-20-8	2,7,7,6-Dimethanaphth[2,3-b]oxirane,3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1a,1pha,2beta,2abeta,3alpha,6alpha,	72-20-8	P051

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number	Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
Endrin metabolites	6abeta, 7beta, 7alpha)-,			Formetanate hydrochloride	Methanimidamide, N,N-dimethyl-N'-[3-[(methoxyamino)carbonyl]-oxyphenyl]-, monohydrochloride	2342-53-9	P198
Epichlorohydrin	Oxirane, (chloromethyl)-1,2-benzenediol, 51-43-4	106-89-8	P051	Formic acid	Same	64-18-16	U123
Epinephrine	4-(1-hydroxy-2-(methyldiamino)ethyl)-(R)-Carbamothioic acid, dipropyl-, S-ethyl ester	51-43-4	P042	Formparanate	Methanimidamide, N,N-dimethyl-N'-[2-methyl-4-[(methoxyamino)carbonyl]-oxyphenyl]-	17702-57-7	P197
EPTC	Carbamic acid, ethyl ester	759-94-4		Halomethanes, N.O.S.	Oxirane	765-34-4	U126
Ethyl carbamate (urethane)	Propanenitrile	51-79-6	U238	Heptachlor	4,7-Methano-1R-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-	76-44-8	P059
Ethylenebis(dithiocarbamic acid, salts and esters)	Carbamothioic acid, 1,1,2-ethanediybis-	107-12-0	P101	Heptachlor epoxide	2,5-Methano-2H-indeno [1,2b]oxirane, 2,3,4,5,6,7,7-heptachloro-1a,1b,5a,6a,6a-hexahydro-, (alpha, alpha, lbeta, 2alpha, 5alpha, 6beta, 6alpha)-	1024-57-3	
Ethylene dibromide	Ethane, 1,2-dibromo-	111-54-6	U114				
Ethylene dichloride	Ethane, 1,2-dichloro-	106-93-4	U067				
Ethylene glycol	Ethanol, 1,2-ethoxy-	107-06-2	U359				
monoethyl ether		110-80-5					
Ethyleneimine	Aziridine	151-56-4	P054				
Ethylene oxide	Oxirane	75-21-8	U115				
Ethylenethiourea	2-Imidazoli	96-45-7	U116				
	dithione						
Ethylidene dichloride	Ethane, 1,1-dichloro-	75-34-3	U076				
Ethyl methacrylate	2-Propenoic acid, 2-methyl-, ethyl ester	97-63-2	U118				
	Methanesulfonic acid, ethyl ester	62-50-0	U119				
Ethyl methanesulfonate	Zinc, bis(diethylcarbamodithioato-S,S')-	14324-55-1	U407				
	Phosphorothioic acid, O-[4-[(dimethylamino)sulfonyl]phenyl]	52-85-7	P097				
	O,O-dimethyl ester						
	Iron, tris(dimethylcarbamodithioato-S,S')-, 14484-64-1						
Fluoranthene	Same	206-44-0	U120				
Fluorine	Same	7782-41-4	P056				
Fluoracetamide	Acetamide, 2-fluoro-	640-19-7	P057				
Fluoroacetic acid, sodium salt	Acetic acid, fluoro-, sodium salt	62-74-8	P058				
Formaldehyde	Same	50-00-0	U122				





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Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
Methyl ethyl ketone (MEK)	2-Butanone	78-93-3	U159
Methyl ethyl ketone peroxide	2-Butanone, peroxide	1338-23-4	U160
Methyl hydrazine	Hydrazine, methyl-	60-34-4	P068
Methyl iodide	Methane, iodo-	74-88-4	U138
Methyl isocyanate	Methane, isocyanato-	624-83-9	P064
2-Methylacetonitrile	Propanenitrile, 2-hydroxy-2-methyl-	75-86-5	P069
Methyl methacrylate	2-Propenoic acid, 2-methyl-, methyl ester	80-62-6	U162
Methyl methanesulfonate	Methanesulfonic acid, methyl ester	66-27-3	
Methyl parathion	Phosphorothioic acid, O,O-dimethyl O-(4-nitrophenyl) ester	298-00-0	P071
Methylthiouracil	4-(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-	56-04-2	U164
Metalcarb	Carbamic acid, methyl-, 3-methylphenyl ester	1129-41-5	P190
Mexacarbate	Phenol, 4-(dimethylamino)-3,5-dimethyl-, methyl-carbamate (ester)	315-18-4	P128
Mitomycin C	Asirino[2', 3':3, 4']pyrrolo[1,2-a]indole-4,7-dione-6-amino-8-[[[(aminocarbonyloxy)methyl]-1,4,4,2,8,8a,8b-hexahydro-6a-methoxy-5-methyl-, (1a-S-( <i>laalpa</i> , <i>beta</i> , <i>laalpa</i> , <i>8laalpa</i> )]], 18-Azepine-1-carboxylic acid, hexahydro-, 8-ethyl ester	50-07-7	U010
MNNG	Guanidine, N-methyl-N'-nitro-N-nitroso-	70-25-7	U163
Mustard gas	Ethane, 1,1'-thiobis [2-chloro-	505-60-2	U165
Naphthalene	Same	91-20-3	U165
1,4-Naphthoquinone	1,4-Naphthalenedione	130-15-4	U166
alpha-Naphthylamine	1-Naphthalenamine	134-32-7	U167
beta-Naphthylamine	2-Naphthalenamine	91-59-8	U168

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
alpha-Naphthyl thiourea	Thiourea,1-naphthalenyl-	86-88-4	P072
Nickel	Same	7440-02-0	
Nickel compounds, N.O.S.	Nickel carbonyl	13463-39-3	P073
Nickel cyanide	Ni(CO)[X], (T-4)-Nickel cyanide	557-19-7	P074
Nicotine	Ni(CN)12	54-11-5	P075
Nicotine salts	Pyridine, 3-(1-methyl-2-pyrroldinyl)-, (S)-		
Nitric oxide	Nitrogen oxide NO	10102-43-9	P075
p-Nitroaniline	Benzenamine, 4-nitro	100-01-6	P076
Nitrobenzene	Benzene, nitro	98-95-3	P077
Nitrogen dioxide	Nitrogen oxide NO[2]	10102-44-0	P078
Nitrogen mustard	Ethanamine, 2-chloro-N-(2-chloroethyl)-N-methyl-	51-75-2	
Nitrogen mustard, hydrochloride salt	Ethanamine, 2-chloro-N-(2-chloroethyl)-N-methyl-, N-oxide	126-85-2	
Nitrogen mustard N-oxide, hydrochloride salt	1,2,3-Propanetriol, trinitrate	55-63-0	P081
Nitroglycerin	Phenol, 4-nitro	100-02-7	U170
p-Nitrophenol	Propane, 2-nitro	79-46-9	U171
2-Nitropropane	1-Butanamine, N-butyl-	35576-91-1	U172
Nitrosamines, N.O.S.	N-butyl-N-nitroso-ethanol, 2,2'-	924-16-3	
N-Nitrosodi-n-butylamine	Ethanol, 2,2'-(nitrosoimino)bis-	1116-54-7	U173
N-Nitrosodiethanolamine	Ethanamine, N-ethyl-N-nitroso-	55-18-5	U174
N-Nitrosodimethylamine	Methanamine, N-methyl-N-nitroso-	62-75-9	P082
N-Nitrosodimethylurea	Urea, N-ethyl-N-nitroso-	759-73-9	U176
N-Nitroso-N-ethylurea	Ethanamine, N-methyl-N-nitroso-	10595-95-6	
N-Nitrosomethylethylamine	Urea, N-methyl-N-nitroso-	684-93-5	U177
N-Nitroso-N-methylurea	Carbamic acid, methyl	615-53-2	U178



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Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
1,3-Propane sultone	propynyl-1,2-Oxathiolane, 2,2-dioxide	1120-71-4	U193
Propham	Carbamic acid, phenyl-, 1-methylethyl ester	122-42-9	U373
Propoxur	Phenol, 2-(1-methyl-ethoxy)-, methylcarbamate	114-26-1	U411
n-Propylamine	1-Propanamine	107-10-8	U194
Propargyl alcohol	2-Propyn-1-ol	107-19-7	P102
Propylene dichloride	Propane, 1,2-dichloro-	78-87-5	U083
1,2-Propylenimine	Aziridine, 2-methyl-4(1H)-Pyrimidinone, 51-52-5	75-35-8	P067
Propylthiouracil	2,3-dihydro-6-propyl-2-thioxo-	51-52-5	U387
Prosulfocarb	Carbamothioic acid, dipropyl-, S-(phenyl-methyl) ester	52888-80-9	U387
Pyridine	Same	110-86-1	U196
Reserpine	Yohimban-16-carboxylic acid, 11, 17-dimethoxy-18-[(3,4,5-trimethoxybenzoyl) oxy]-, methyl ester, (3beta, 16beta, 20alpha)-, 20alpha)-, 1,2-Benzoisothiazol-3(2H)-one, 1,1-dioxide	50-55-5	U200
Resorcinol	Same	108-46-3	U201
Saccharin	1,3-Benzenedisulfonamide, 2-sulfamoyl-, 1,2-Benzisothiazol-3(2H)-one, 1,1-dioxide	81-07-2	U202
Saccharin salts	Same	94-59-7	U202
Safrole	1,3-Benzodioxole, 5-(2-propenyl)-	94-59-7	U203
Selenium	Same	7782-49-2	U203
Selenium compounds, N.O.S.	Selenious acid	7783-00-8	U204
Selenium dioxide	Selenium sulfide	7488-36-4	U205
Selenium sulfide	SeS[2]	144-34-3	U205
Selenium, tetrakis (dimethyl-dithiocarbamate	Carbamodithioic acid, dimethyl-, tetraortho-sulfide with orthothio-selenious acid	630-10-4	P103
Selenourac	Same		

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
Silver	Same	7440-22-4	
Silver compounds, N.O.S.	Silver cyanide AgCN	506-64-9	P104
Silver cyanide	Propanoic acid, 2-(2,4,5-trichlorophenoxy)-	93-72-1	See P027
Silvex (2,4,5-TP)	Sodium cyanide NaCN	143-33-9	P106
Sodium cyanide	Carbamodithioic acid, dibutyl-, sodium salt	136-30-1	
Sodium dibutylidithiocarbamate	Carbamodithioic acid, diethyl-, sodium salt	148-18-5	
Sodium dimethyldithiocarbamate	Carbamodithioic acid, dimethyl-, sodium salt	128-04-1	
Sodium pentachlorophenate	Pentachlorophenol, sodium salt	131522	None
Streptozotocin	D-Glucose, 2-deoxy-2-[[[methylnitrosoamino] carbonylamino]-strychnidin-10-one	18883-66-4	U206
Strychnine	Same	57-24-9	P108
Sulfallate	Carbamodithioic acid, diethyl-, 2-chloro-2-propenyl ester	95-06-7	P108
TCDD	Dibenzo[b,e][1,4]dioxin, 2,3,7,8-tetrachloro-	1746-01-6	
Tetrabutylthiuram disulfide	Thiooxydicarbonic diamide, tetrabutyl	1634-02-2	
Tetramethylthiuram monosulfide	Bis(dimethylthiocarbamoyl) sulfide	97-74-5	
1,2,4,5-Tetra chlorobenzene	Benzene, 1,2,4,5-tetrachloro-	95-94-3	U207
Tetrachlorodibenzop-dioxins	Ethane, tetrachloro-, N.O.S.	25322-70-7	
Tetrachlorodibenzofurans	Ethane, 1,1,1,2-tetrachloro-	630-20-6	U208
Tetrachloroethane, N.O.S.	Ethane, 1,1,2-tetrachloro-	79-34-5	U209
1,1,1,2-Tetra chloroethane	Ethane, tetrachloro-	127-18-4	U210

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
2,3,4,6-Tetrachlorophenol	Phenol, 2,3,4,6-tetra-chloro-	58-90-2	See F027
2,3,4,6-Tetrachlorophenol, potassium salt	Same	53535276	None
2,3,4,6-Tetrachlorophenol, sodium salt	Same	25567559	None
Tetraethyldithio-phosphate	Thiodiphosphoric acid, tetraethyl ester	3689-24-5	P109
Tetraethyl lead	Plumbane, tetraethyl	78-00-2	P110
Tetraethylpyro-phosphate	Diphosphoric acid, tetraethyl ester	107-49-3	P111
Tetranitromethane	Methane, tetranitro-	509-14-8	P112
Thallium	Same	7440-28-0	
Thallium compounds	Thallium		
Thallic oxide	oxide Ti(2)O[3]	1314-32-5	P113
Thallium (I) acetate	Acetic acid, thallium (1+) salt	563-68-8	U214
Thallium (I) carbonate	Carbonic acid, dithallium (1+) salt	6533-73-9	U215
Thallium (I) chloride	Thallium chloride	7791-12-0	U216
Thallium (I) nitrate	Nitric acid, thallium (1+) salt	10102-45-1	U217
Thallium selenite	Selenious acid, dithallium (1+) salt	12039-52-0	P114
Thallium (I) sulfate	Sulfuric acid, dithallium (1+) salt	7446-18-6	P115
Thioacetamide	Ethanethioamide	62-55-5	U218
Thiodicarb	Ethanethiothioic acid, N,N'-[thiobis(methyl-imino)carbonyloxy]]-bis-, dimethyl ester	59669-26-0	U410
Thiofanox	2-Butanone, 3,3-dimethyl-1-(methylthio)-, O-[(methanimino)carbonyloxime	39196-18-4	P045
Thiophanate-methyl	Carbamic acid, [1,2-phenylenebis(imino-carbonothioyl)]-bis-, dimethyl ester	23564-05-8	U409
Thiomethanol	Methanethiol	74-93-1	U153
Thiophenol	Benzenethiol	108-98-5	P014

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
Thiosenicarbazide	Hydrazinecarbothioamide	79-19-6	P116
Thiourea	Same	62-56-6	P219
Thiram	Thiooxydicarbonic diamide [(H2N)C(S)](2)	137-26-8	U244
Tirpate	S(2), tetramethyl-1,3-dithiolane-2-carboxaldehyde, 2,4-dimethyl-, O-[(methylamino)carbonyl] oxime	26419-73-8	P185
Toluene	Benzene, methyl-	108-88-3	U220
Toluenediamine	Benzenediamine, ar-methyl-	25378-45-8	U221
Toluene-2,4-diamine	1,3-Benzenediamine, 4-methyl-	95-80-7	
Toluene-2,6-diamine	1,3-Benzenediamine, 2-methyl-	823-40-5	
Toluene-3,4-diamine	1,2-Benzenediamine, 4-methyl-	496-72-0	
Toluene diisocyanate	Benzene, 1,3-diisocyanatomethyl-	26471-62-5	U223
o-Toluidine	Benzenamine, 2-methyl-	95-53-4	U328
o-Toluidine hydrochloride	Benzenamine, 2-methyl-, hydrochloride	636-21-5	U222
p-Toluidine	Benzenamine, 4-methyl-	106-49-0	U353
Toxaphene	Same	8001-35-2	P123
Triallate	Carbamothioic acid, bis-(1-methylethyl)-, S-(2,3,3-trichloro-2-propenyl) ester	2303-17-5	U389
2,4,6-Trichlorobenzene	2,4,6-Trichlorophenol	120-82-1	B468
1,1,2-Trichloroethane	Benzene, 1,2,4-trichloro-	79-00-5	U227
Trichloroethylene	Ethane, 1,1,2-trichloro-	79-01-6	U228
Trichloromethanethiol	Ethane, trichloro-	75-70-7	P118
Trichloromono-fluoro-methane	Methanethiol, trichloro-	75-69-4	U121
2,4,5-Trichlorophenol	Phenol, 2,4,5-trichloro-	95-95-4	See F027
2,4,6-Trichlorophenol	Phenol, 2,4,6-trichloro-	88-06-2	See F027
2,4,5-T	Acetic acid, (2,4,5-trichlorophenoxy)-	93-76-5	See F027
Trichloropropane, N.O.S.	trichlorophenoxy)-	25735-29-9	

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
1,2,3-Trichloropropane	Propane, 1,2,3-trichloro	96-18-4	
Triethylamine	Ethanamine, N,N-diethyl-	121-44-8	
O,O-Triethylphosphorothioate	Phosphorothioic acid, O,O,O-triethyl ester	126-68-1	U040
1,3,5-Trinitrobenzene	Benzene, 1,3,5-trinitro-	99-35-4	U234
Tris(1-aziridinyl) phosphine sulfide	Aziridine, 1,1'-bisphosphinothioylidene-	52-24-4	
Tris(2,3-dibromopropyl) phosphate	1-Propanol, 2,3-dibromo-, phosphate (3:1)	126-72-7	U235
Tripan blue	2,7-Naphthalenedisulfonic acid, 3,3'-[[3,3'-dimethyl-1,1'-biphenyl]-4,4'-diyl]bis(azo)bis[5-amino-4-hydroxy]-, tetrasodium salt	72-57-1	U236
Uracil mustard	2,4-(1H,3H)-Pyrimidinedione, 5-[bis(2-chloroethylamino)-]	66-75-1	U237
Vanadium pentoxide	Vanadium oxide V2O5]	1314-62-1	P120
Vernolate	Carbomethoic acid, dipropyl-, S-propyl ester	1929-77-7	
Vinyl chloride	Ethene, chloro	75-01-4	U043
Warfarin	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, when present at concentrations less than 0.3 percent	81-81-2	U248
Warfarin	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, when present at concentrations greater than 0.3 percent	81-81-2	P001
Warfarin salts, when present at concentrations less than 0.3 percent			
Warfarin salts, when present at concentrations greater than 0.3 percent			

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
Zinc cyanide	Zinc cyanide Zn(CN)[2]	557-21-1	P121
Zinc phosphide	Zinc phosphide P[2]n(3), when present at concentrations greater than 10 percent	1314-84-7	P122
Zinc phosphide	Zinc phosphide P[2]n(3), when present at concentrations of 10 percent or less	1314-84-7	U249
Ziram	Zinc, bis(dimethylcarbamodithioato-S,S')-(1-4)-	137-30-4	P205

Note: The abbreviation N.O.S. (not otherwise specified) signifies those members of the general class that are not specifically listed by name in this Section.

(Source: Amended at 24 Ill. Reg. **9481**, effective June 20, 2000)

## Section 721, Appendix Y Table to Section 721.138

Chemical name	CAS No	Composite value (mg/kg)	Heating value (BTU/lb)	Concentration limit (mg/kg at 10,000 Bu/lb)	Minimum required detection limit (mg/kg)
Total Nitrogen as N	NA	9000	18400	4900	
Total Halogens as Cl	NA	1000	18400	540	
Total Organic Halogens as Cl	NA	=	=	[Note 1]	
Polychlorinated biphenyls, total (fixed vs. total)	1336-36-3	ND	=	ND	1.4
Cyanide, total	57-12-5	ND	=	ND	1.0
Metals:					
Antimony, total	7440-36-0	ND	=	12	
Arsenic, total	7440-38-2	ND	=	0.23	



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Barium, total	7440-39-3	ND	==	23	
Beryllium, total	7440-41-7	ND	==	1.2	
Cadmium, total	7440-43-9	==	ND		1.2
Chromium, total	7440-47-3	ND	==	2.3	
Cobalt	7440-48-4	ND	==	4.6	
Lead, total	7439-92-1	57	18100	31	
Manganese	7439-96-5	ND	==	1.2	
Mercury, total	7439-97-6	ND	==	0.25	
Nickel, total	7440-02-0	106	18400	58	
Selenium, total	7782-49-2	ND	==	0.23	
Silver, total	7440-22-4	ND	==	2.3	
Thallium, total	7440-28-0	ND	==	2.3	
Hydrocarbons:					
Benzofluoranthracene	56-55-3	ND	==	2400	
Benzene	71-43-2	8000	19600	4100	
Benzobifluoranthene	205-99-2	ND	==	2400	
Benzokifluoranthene	207-08-9	ND	==	2400	
Benzolapryene	50-32-8	ND	==	2400	
Chrysene	218-01-9	ND	==	2400	
Dibenzofluoranthracene	53-70-3	ND	==	2400	
7,12-Dimethylbenzofluoranthracene	57-97-6	ND	==	2400	
Fluoranthene	206-44-0	ND	==	2400	
Indeno(1,2,3-c)pyrene	193-39-5	ND	==	2400	
3-Methylcholanthrene	56-49-5	ND	==	2400	
Naphthalene	91-20-3	6200	19400	3200	
Toluene	108-88-3	69000	19400	36000	
Oxygenates:					
Acetophenone	98-86-2	ND	==	2400	
Acrolein	107-02-8	ND	==	39	
Allyl alcohol	107-18-6	ND	==	30	
Bis(2-ethylhexyl)-phthalate [Di-2-ethylhexyl phthalate]	117-81-7	ND	==	2400	
Buryl benzyl phthalate	85-68-7	ND	==	2400	

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o-Cresol [2-Methyl phenol]	95-48-7	ND	==	2400	
m-Cresol [3-Methyl phenol]	108-39-4	ND	==	2400	
p-Cresol [4-Methyl phenol]	106-44-5	ND	==	2400	
Di-n-butyl phthalate	84-74-2	ND	==	2400	
Diethyl phthalate	84-66-2	ND	==	2400	
2,4-Dimethylphenol	105-67-9	ND	==	2400	
Dimethyl phthalate	131-11-3	ND	==	2400	
Di-n-octyl phthalate	117-84-0	ND	==	2400	
Endothal	145-73-3	ND	==	100	
Ethyl methacrylate	97-63-2	ND	==	39	
2-Ethoxyethanol	110-80-5	ND	==	100	
[Ethylene glycol monomethyl ether].					
Isobutyl alcohol	78-83-1	ND	==	39	
Isosafrole	120-58-1	ND	==	2400	
Methyl ethyl ketone [2-Butanone]	78-93-3	ND	==	39	
Methyl methacrylate	80-62-6	ND	==	39	
1,4-Naphthoquinone	130-15-4	ND	==	2400	
Phenol	108-95-2	ND	==	2400	
Propargyl alcohol [2-Propyn-1-ol]	107-19-7	ND	==	30	
Safrole	94-59-7	ND	==	2400	
Sulfonated Organics:					
Carbon disulfide	75-15-0	ND	==	ND	39
Disulfoton	298-04-4	ND	==	ND	2400
Ethyl methanesulfonate	62-50-0	ND	==	ND	2400
Methyl methane-sulfonate	66-27-3	ND	==	ND	2400
Phorate	298-02-2	ND	==	ND	2400
1,3-Propane sultone	1120-71-4	ND	==	ND	100
Tetraethyldithiopyrophosphate [Sulfitepp]	3689-24-5	ND	==	ND	2400

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Thiophenol [Benzene-thiol]	108-98-5	ND	==	ND	30
O,O,O-Triethyl phosphorothioate	126-68-1	ND	==	ND	2400
Nitrogenated Organics:					
Acetonitrile [Methyl cyanide]	75-05-8	ND	==	ND	39
2-Acetylaminofluorene [2-AAF]	53-96-3	ND	==	ND	2400
Acrylonitrile	107-13-1	ND	==	ND	39
4-Aminobiphenyl	92-67-1	ND	==	ND	2400
4-Aminopyridine	504-24-5	ND	==	ND	100
Aniline	62-53-3	ND	==	ND	2400
Benzidine	92-87-5	ND	==	ND	2400
Dibenzylidene	224-42-0	ND	==	ND	2400
O,O-Diethyl O-pyrazinyl phosphorothioate [Thiomazin]	297-97-2	ND	==	ND	2400
Dimethoate	60-51-5	ND	==	ND	2400
p-(Dimethylamino)azobenzene [4-Dimethylaminoazobenzene]	60-11-7	ND	==	ND	2400
3,3'-Dimethylbenzidine	119-93-7	ND	==	ND	2400
a,a-Dimethylphenethylamine	122-09-8	ND	==	ND	2400
3,3'-Dimethoxybenzidine	119-90-4	ND	==	ND	100
1,3-Dinitrobenzene [m-Dinitrobenzene]	99-65-0	ND	==	ND	2400
4,6-Dinitro-o-cresol	534-52-1	ND	==	ND	2400
2,4-Dinitrophenol	51-28-5	ND	==	ND	2400
2,4-Dinitrotoluene	121-14-2	ND	==	ND	2400
2,6-Dinitrotoluene	606-20-2	ND	==	ND	2400
Dimoseb [2-sec-Butyl-4,6-dinitrophenol]	88-85-7	ND	==	ND	2400
Diphenylamine	122-39-4	ND	==	ND	2400

Ethyl carbamate [Urethane]	51-79-6	ND	==	ND	100
Hydrolyzable (2-Imidazolidinethione)	96-45-7	ND	==	ND	110
Famphur	52-85-7	ND	==	ND	2400
Methacrylonitrile	126-98-7	ND	==	ND	39
Methapyrene	91-80-5	ND	==	ND	2400
Methomyl	16752-77-5	ND	==	ND	57
2-Methylacetonitrile [Acetone cyanohydrin]	75-86-5	ND	==	ND	100
Methyl parathion	298 (00-4)	ND	==	ND	2400
MNNG (N-Methyl-N-nitroso-N'-nitroguanidine)	70-25-7	ND	==	ND	110
1-Naphthylamine [1-Naphthylamine]	134-32-7	ND	==	ND	2400
2-Naphthylamine [2-Naphthylamine]	91-59-8	ND	==	ND	2400
Nicotine	54-11-5	ND	==	ND	100
4-Nitroaniline [p-Nitroaniline]	100-01-6	ND	==	ND	2400
Nitrobenzene	98-95-3	ND	==	ND	2400
p-Nitrophenol [p-Nitrophenol]	100-02-7	ND	==	ND	2400
5-Nitro-o-toluidine	99-55-8	ND	==	ND	2400
N-Nitroso-n-butylamine	924-16-3	ND	==	ND	2400
N-Nitrosoethylamine	55-18-5	ND	==	ND	2400
N-Nitrosodiphenylamine [Diphenyl nitrosamine]	86-30-6	ND	==	ND	2400
N-Nitroso-N-methyl-ethylamine	10595-95-6	ND	==	ND	2400
N-Nitrosomorpholine	59-89-2	ND	==	ND	2400
N-Nitrosopiperidine	100-75-4	ND	==	ND	2400
N-Nitrosopyrrolidine	930-55-2	ND	==	ND	2400

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

2-Nitropropane	79-46-9	ND	==	ND	30
Parathion	56-38-2	ND	==	ND	2400
Phenacetin	62-44-2	ND	==	ND	2400
1,4-Phenylenediamine, [p-Phenylenediamine]	106-50-3	ND	==	ND	2400
N-Phenylthiourea	103-85-5	ND	==	ND	57
2-Picoline [alpha-Picoline]	109-06-8	ND	==	ND	2400
Propylthiuracil 16-Propyl-2-thiouracil]	51-52-5	ND	==	ND	100
Pyridine	110-86-1	ND	==	ND	2400
Styrene	57-24-9	ND	==	ND	100
Thioacetamide	62-55-5	ND	==	ND	57
Thiofanox	39196-18-4	ND	==	ND	100
Thiourea	62-56-6	ND	==	ND	57
Toluene-2,4-diamine [2,4-Diaminotoluene]	95-80-7	ND	==	ND	57
Toluene-2,6-diamine [2,6-Diaminotoluene]	823-40-5	ND	==	ND	57
o-Toluidine	95-53-4	ND	==	ND	2400
p-Toluidine	106-49-0	ND	==	ND	100
1,3,5-Trinitrobenzene, [sym-Trinitrobenzene]	99-35-4	ND	==	ND	2400
Halogenated Organics:					
Allyl chloride	107-05-1	ND	==	ND	39
Aramite	140-57-8	ND	==	ND	2400
Benzal chloride [Di-chloromethyl benzene]	98-87-3	ND	==	ND	100
Benzyl chloride	100-44-77	ND	==	ND	100
Bis(2-chloroethyl) ether [Dichloroethyl ether]	111-44-4	ND	==	ND	2400
Bromoform	75-25-2	ND	==	ND	39
[Tribromomethane]					
Bromomethane	74-83-9	ND	==	ND	39
[Methyl bromide]					

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## NOTICE OF ADOPTED AMENDMENTS

4-Bromophenyl phenyl ether [p-Bromodiphenyl ether]	101-55-3	ND	==	ND	2400
Carbon tetrachloride	56-23-5	ND	==	ND	39
Chlordane	57-74-9	ND	==	ND	14
p-Chloroaniline	106-47-8	ND	==	ND	2400
Chlorobenzene	108-90-7	ND	==	ND	39
Chlorobenzilate	510-15-6	ND	==	ND	2400
p-Chloro-m-cresol	59-50-7	ND	==	ND	2400
2-Chloroethyl vinyl ether	110-75-8	ND	==	ND	39
Chloroform	67-66-3	ND	==	ND	39
Chloromethane	74-87-3	ND	==	ND	39
[Methyl chloride]					
2-Chloronaphthalene	91-58-7	ND	==	ND	2400
[beta-Chloronaphthalene]					
2-Chlorophenol [o-Chlorophenol]	95-57-8	ND	==	ND	2400
Chlorophenol					
Chloroprene [2-Chloro-1,3-butadiene]	1126-99-8	ND	==	ND	39
2,4-D 12,4-Dichlorophenoxyacetic acid]	94-75-7	ND	==	ND	7.0
Diallate	2303-16-4	ND	==	ND	2400
1,2-Dibromo-3-chloropropane	96-12-8	ND	==	ND	39
1,2-Dichlorobenzene [o-Dichlorobenzene]	95-50-1	ND	==	ND	2400
1,3-Dichlorobenzene [m-Dichlorobenzene]	541-73-1	ND	==	ND	2400
1,4-Dichlorobenzene [p-Dichlorobenzene]	106-46-7	ND	==	ND	2400
3,3'-Dichlorobenzidine	91-94-1	ND	==	ND	2400
Dichlorodifluoromethane [CFC-12]	75-71-8	ND	==	ND	39
1,2-Dichloroethane [Ethylene dichloride]	107-06-2	ND	==	ND	39

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1,1-Dichloroethylene [Vinylidene chloride]	75-35-4	ND	=	ND	39
Dichloromethoxy ethane [Bis(2-chloro- ethoxy)methane]	111-91-1	ND	=	ND	2400
2,4-Dichlorophenol	120-83-2	ND	=	ND	2400
2,6-Dichlorophenol	87-65-0	ND	=	ND	2400
1,2-Dichloropropane [Propylene dichloride]	78-87-5	ND	=	ND	39
cis-1,3-Dichloro- propylene	10061-01-5	ND	=	ND	39
trans-1,3-Dichloro- propylene	10061-02-6	ND	=	ND	39
1,3-Dichloro-2- propanol	96-23-1	ND	=	ND	30
Endosulfan I	959-98-8	ND	=	ND	14
Endosulfan II	33213-65-9	ND	=	ND	14
Endrin	72-20-8	ND	=	ND	14
Endrin aldehyde	7421-93-4	ND	=	ND	14
Endrin Ketone	53494-70-5	ND	=	ND	14
Epichlorohydrin [1- Chloro-2,3-epoxy propane]	106-89-8	ND	=	ND	30
Epivulidene dichloride [1,1-Dichloroethane]	75-34-3	ND	=	ND	39
2-Fluoroacetamide	640-19-7	ND	=	ND	100
Heptachlor	76-44-8	ND	=	ND	14
Heptachlor epoxide	1024-57-3	ND	=	ND	2.8
Hexachlorobenzene	118-74-1	ND	=	ND	2400
Hexachloro-1,3-buta- diene [Hexachlorobuta- diene]	87-68-3	ND	=	ND	2400
Hexachlorocyclopenta- diene	77-47-4	ND	=	ND	2400
Hexachloroethane	67-72-1	ND	=	ND	2400
Hexachlorophene	70-30-4	ND	=	ND	59000

## POLLUTION CONTROL BOARD

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Hexachloropropene [Hexachloropropylene]	1888-71-7	ND	=	ND	2400
Isodrin	465-73-6	ND	=	ND	2400
Kepone [Chlordecone]	143-50-0	ND	=	ND	4700
Lindane [gamma- Hexachlorocyclo- hexane] [gamma-BHC]	58-89-9	ND	=	ND	1.4
Methylene chloride [Dichloromethane]	75-09-2	ND	=	ND	39
4,4'-methylene-bis(2- chloroaniline)	101-14-4	ND	=	ND	100
Methyl iodide [Iodo- methane]	74-88-4	ND	=	ND	39
Pentachlorobenzene	608-93-5	ND	=	ND	2400
Pentachloroethane	76-01-7	ND	=	ND	39
Pentachloronitro- benzene [PCNB]	82-68-8	ND	=	ND	2400
[Quinobenzene] [Quinozene]	87-86-5	ND	=	ND	2400
Pentachlorophenol	23950-58-5	ND	=	ND	2400
Pronamide Silvex [2,4,5-Tris- chlorophenoxy- propionic acid]	93-72-1	ND	=	ND	7.0
2,3,7,8-Tetrachloro- dibenzo-p-dioxin [2,3,7,8-TCDD]	1746-01-6	ND	=	ND	30
1,2,4,5-Tetrachloro- benzene	95-94-3	ND	=	ND	2400
1,1,2,2-Tetrachloro- ethane	79-34-5	ND	=	ND	39
Tetrachloroethylene [Perchloroethylene]	127-18-4	ND	=	ND	39
2,3,4,6-Tetrachloro- phenol	58-90-2	ND	=	ND	2400
1,2,4-Trichloro- benzene	120-82-1	ND	=	ND	2400

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1) Heading of the Part: Interim Status Standards For Owners And Operators Of Hazardous Waste Treatment, Storage, And Disposal Facilities

2) Code citation: 35 Ill. Adm. Code 725

3) Section Numbers: Proposed Action:  
725.101 Amend  
725.440 Amend  
725.980 Amend  
725.984 Amend  
725.987 Amend

4) Statutory authority: 415 ILCS 5/7.2, 22.4, and 27.

5) Effective date of amendments: June 20, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? Yes. The existing text of Part 725 includes incorporations by reference. 35 Ill. Adm. Code 720.111 is the central listing of documents incorporated by reference for the purposes of the Illinois hazardous waste and underground injection control regulations. The present amendments include, at Section 725.440(b)(1), the addition of 40 CFR 63, Subpart EEE, incorporated by reference in 35 Ill. Adm. Code 720.111. The format of some incorporations was corrected in this action, and numerous other incorporations remain unaffected by the present amendments.

8) Statement of Availability: The adopted amendments, a copy of the Board's opinion and order adopted May 18, 2000, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.

9) Notice of proposal published in Illinois Register: March 24, 2000, 24 Ill. Reg. 4480

10) Has JCAR issued a Statement of Objections to these amendments? No. Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking was not subject to Section 5-35 of the APA, it was not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

11) Differences between proposal and final version: The following table summarizes the differences between the amendments proposed by the Board in an opinion and order dated March 2, 2000, in docket R00-13, and the amendments adopted on May 18, 2000. Many of the differences are explained

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NOTICE OF ADOPTED AMENDMENTS

1.1.1-Trichloroethane	71-55-6	ND	=	ND	39
[Methyl chloroform]					
1.1.2-Trichloroethane	79-00-5	ND	=	ND	39
[Vinyl trichloride]					
Trichloroethylene	79-01-6	ND	=	ND	39
Trichlorofluoromethane [Trichloromonofluoromethane]	75-69-4	ND	=	ND	39
2.4.5-Trichlorophenol	95-95-4	ND	=	ND	2400
2.4.6-Trichlorophenol	88-06-2	ND	=	ND	2400
1.2.3-Trichloropropane	96-18-4	ND	=	ND	39
Vinyl Chloride	75-01-4	ND	=	ND	39

NA means not applicable.

ND means nondetect.

Note 1: 25 (mg/kg at 10,000 Btu/lb) as organic halogen or as the individual halogenated organics listed in the table at the levels indicated.

(Source: Added at 24 Ill. Reg. 9481, effective JUN 20 2000)



POLLUTION CONTROL BOARD  
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in greater detail in the Board's opinion and order of May 18, 2000.

Section Revised	Source(s) of Revision(s)	Revision(s)
725. Source note	Board	Removed references to the "PCB" reporter (four times); removed a comma before "at"
725.984(b)(5)(D)	JCAR	Added a closing period after the definition of the variable "m"
725.987(c)(2)	JCAR	Changed a comma to a semicolon to separate the elements of a major series

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 22.4(a) of the Environmental Protection Act (415 ILCS 5/22.4(a)) provides that Section 5-35 of the Administrative Procedure Act (5 ILCS 100/5-35) does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

13) Will these amendments replace emergency amendments currently in effect?  
No

14) Are there any other amendments pending on this Part? No

15) Summary and purpose of amendments: A more detailed description is contained in the Board's opinion and order of May 18, 2000, adopting amendments in Docket R00-13, which opinion and order is available from the address below. As is explained in that opinion, the Board delayed filing the adopted amendments for 30 days from the date the Board voted to adopt them in order to allow the United States Environmental Protection Agency (USEPA) an opportunity to comment on the amendments before they became effective.

This proceeding updates the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the update period of July 1, 1999, through December 31, 1999. Please refer to the corresponding segment of the questionnaire in the Notice of Adopted Amendments for 35 Ill. Adm. Code 720 that appears elsewhere in this issue of the Illinois Register. That Notice includes a detailed outline of the federal actions involved in the broader proceeding of which the amendments to Part 725 are a single

POLLUTION CONTROL BOARD  
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segment.

Specifically, the amendments to Part 725 implement segments of the federal July 6, 1999 designation of lamps as universal waste and the September 30, 1999 hazardous waste combustor rule. The amendments also make a number of non-substantive corrections requested by JCAR.

Section 22.4 of the Environmental Protection Act (415 ILCS 5/22.4) provides that Section 5-35 of the Administrative Procedure Act (5 ILCS 100/5-35) does not apply to this rulemaking. Because this rulemaking was not subject to Section 5-35 of the APA, it was not subject to First Notice or to Second Notice review by JCAR.

16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge  
Attorney  
Illinois Pollution Control Board  
100 W. Randolph 11-500  
Chicago, IL 60601  
312-814-6924

Request copies of the Board's opinion and order of May 18, 2000, from Patricia Jones, at 312-814-3620. Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at <http://www.ilpcb.state.il.us>.

The full text of the adopted amendments begins on the next page:

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 35: ENVIRONMENTAL PROTECTION

## SUBTITLE G: WASTE DISPOSAL

## CHAPTER I: POLLUTION CONTROL BOARD

## SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

## PART 725

## INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

## SUBPART A: GENERAL PROVISIONS

Section  
725.1101 Purpose, Scope, and Applicability  
725.1104 Imminent Hazard Action

## SUBPART B: GENERAL FACILITY STANDARDS

Section  
725.1110 Applicability  
725.1111 USEPA Identification Number  
725.1112 Required Notices  
725.1113 General Waste Analysis  
725.1114 Security  
725.1115 General Inspection Requirements  
725.1116 Personnel Training  
725.1117 General Requirements for Ignitable, Reactive, or Incompatible Wastes  
725.1118 Location Standards  
725.1119 Construction Quality Assurance Program

## SUBPART C: PREPAREDNESS AND PREVENTION

Section  
725.1130 Applicability  
725.1131 Maintenance and Operation of Facility  
725.1132 Required Equipment  
725.1133 Testing and Maintenance of Equipment  
725.1134 Access to Communications or Alarm System  
725.1135 Required Aisle Space  
725.1137 Arrangements with Local Authorities

## SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

Section  
725.1150 Applicability  
725.1151 Purpose and Implementation of Contingency Plan  
725.1152 Content of Contingency Plan  
725.1153 Copies of Contingency Plan

## POLLUTION CONTROL BOARD

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## Amendment of Contingency Plan

## Emergency Coordinator

725.1154  
725.1155  
725.1156

## SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

Section  
725.1170 Applicability  
725.1171 Use of Manifest System  
725.1172 Manifest Discrepancies  
725.1173 Operating Record  
725.1174 Availability, Retention and Disposition of Records  
725.1175 Annual Report  
725.1176 Unmanifested Waste Report  
725.1177 Additional Reports

## SUBPART F: GROUNDWATER MONITORING

Section  
725.1190 Applicability  
725.1191 Groundwater Monitoring System  
725.1192 Sampling and Analysis  
725.1193 Preparation, Evaluation and Response  
725.1194 Recordkeeping and Reporting

## SUBPART G: CLOSURE AND POST-CLOSURE CARE

Section  
725.210 Applicability  
725.211 Closure Performance Standard  
725.212 Closure Plan; Amendment of Plan  
725.213 Closure; Time Allowed for Closure  
725.214 Disposal or Decontamination of Equipment, Structures and Soils  
725.215 Certification of Closure  
725.216 Survey Plat  
725.217 Post-Closure Care and Use of Property  
725.218 Post-Closure Care Plan; Amendment of Plan  
725.219 Post-Closure Notices  
725.220 Certification of Completion of Post-Closure Care  
725.221 Alternative Post-Closure Care Requirements

## SUBPART H: FINANCIAL REQUIREMENTS

Section  
725.240 Applicability  
725.241 Definitions of Terms as Used in this Subpart  
725.242 Cost Estimate for Closure  
725.243 Financial Assurance for Closure

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Closure and Post-closure Care  
Special Requirements for Ignitable or Reactive Waste  
Special Requirements for Incompatible Wastes  
Air Emission Standards

725.328  
725.329  
725.330  
725.331

SUBPART L: WASTE PILES

Applicability  
Protection from Wind  
Waste Analysis  
Containment  
Design and Operating Requirements  
Action Leakage Rates  
Special Requirements for Ignitable or Reactive Waste  
Special Requirements for Incompatible Wastes  
Closure and Post-closure Care  
Response Actions  
Monitoring and Inspection

Section  
725.350  
725.351  
725.352  
725.353  
725.354  
725.355  
725.356  
725.357  
725.358  
725.359  
725.360

SUBPART M: LAND TREATMENT

Applicability  
General Operating Requirements  
Waste Analysis  
Food Chain Crops  
Unsaturated Zone (Zone of Aeration) Monitoring  
Recordkeeping  
Closure and Post-closure  
Special Requirements for Ignitable or Reactive Waste  
Special Requirements for Incompatible Wastes

Section  
725.370  
725.372  
725.373  
725.376  
725.378  
725.379  
725.380  
725.381  
725.382

SUBPART N: LANDFILLS

Applicability  
Design Requirements  
Action Leakage Rate  
Response Actions  
Monitoring and Inspection  
Surveying and Recordkeeping  
Closure and Post-closure  
Special Requirements for Ignitable or Reactive Waste  
Special Requirements for Incompatible Wastes  
Special Requirements for Liquid Wastes  
Special Requirements for Containers  
Disposal of Small Containers of Hazardous Waste in Overpacked Drums

Section  
725.400  
725.401  
725.402  
725.403  
725.404  
725.409  
725.410  
725.412  
725.413  
725.414  
725.415  
725.416

POLLUTION CONTROL BOARD  
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Cost Estimate for Post-closure Care  
Financial Assurance for Post-closure Monitoring and Maintenance  
Use of a Mechanism for Financial Assurance of Both Closure and Post-closure Care  
Liability Requirements  
Incapacity of Owners or Operators, Guarantors or Financial Institutions  
Promulgation of Forms (Repealed)

725.244  
725.245  
725.246  
725.247  
725.248  
725.251

SUBPART I: USE AND MANAGEMENT OF CONTAINERS

Applicability  
Condition of Containers  
Compatibility of Waste with Container  
Management of Containers  
Inspections  
Special Requirements for Ignitable or Reactive Waste  
Special Requirements for Incompatible Wastes  
Air Emission Standards

Section  
725.270  
725.271  
725.272  
725.273  
725.274  
725.276  
725.277  
725.278

SUBPART J: TANK SYSTEMS

Applicability  
Assessment of Existing Tank System's Integrity  
Design and Installation of New Tank Systems or Components  
Containment and Detection of Releases  
General Operating Requirements  
Inspections  
Response to leaks or spills and disposition of Tank Systems  
Closure and Post-closure Care  
Special Requirements for Ignitable or Reactive Waste  
Special Requirements for Incompatible Wastes  
Waste Analysis and Trial Tests  
Generators of 100 to 1000 Kilogram of Hazardous Waste Per Month  
Air Emission Standards

Section  
725.290  
725.291  
725.292  
725.293  
725.294  
725.295  
725.296  
725.297  
725.298  
725.299  
725.300  
725.301  
725.302

SUBPART K: SURFACE IMPOUNDMENTS

Applicability  
Design and Operating Requirements  
Action Leakage Rate  
Response Actions  
Containment System  
Waste Analysis and Trial Tests  
Monitoring and Inspections

Section  
725.320  
725.321  
725.322  
725.323  
725.324  
725.325  
725.326

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(Lab Packs)

## SUBPART O: INCINERATORS

Section	
725.440	Applicability
725.441	Waste Analysis
725.445	General Operating Requirements
725.447	Monitoring and Inspection
725.451	Closure
725.452	Interim Status Incinerators Burning Particular Hazardous Wastes

## SUBPART P: THERMAL TREATMENT

Section	
725.470	Other Thermal Treatment
725.473	General Operating Requirements
725.475	Waste Analysis
725.477	Monitoring and Inspections
725.481	Closure
725.482	Open Burning; Waste Explosives
725.483	Interim Status Thermal Treatment Devices Burning Particular Hazardous Waste

## SUBPART Q: CHEMICAL, PHYSICAL AND BIOLOGICAL TREATMENT

Section	
725.500	Applicability
725.501	General Operating Requirements
725.502	Waste Analysis and Trial Tests
725.503	Inspections
725.504	Closure
725.505	Special Requirements for Ignitable or Reactive Waste
725.506	Special Requirements for Incompatible Wastes

## SUBPART R: UNDERGROUND INJECTION

Section	
725.530	Applicability

## SUBPART W: DRIP PADS

Section	
725.540	Applicability
725.541	Assessment of existing drip pad integrity
725.542	Design and installation of new drip pads
725.543	Design and operating requirements
725.544	Inspections

## POLLUTION CONTROL BOARD

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Closure

## SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

Section	
725.930	Applicability
725.931	Definitions
725.932	Standards: Process Vents
725.933	Standards: Closed-Vent Systems and Control Devices
725.934	Test methods and procedures
725.935	Recordkeeping Requirements

## SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

Section	
725.950	Applicability
725.951	Definitions
725.952	Standards: Pumps in Light Liquid Service
725.953	Standards: Compressors
725.954	Standards: Pressure Relief Devices in Gas/Vapor Service
725.955	Standards: Sampling Connecting Systems
725.956	Standards: Open-ended Valves or Lines
725.957	Standards: Valves in Gas/Vapor or Light Liquid Service
725.958	Standards: Pumps, Valves, Pressure Relief Devices, Flanges and other Connectors
725.959	Standards: Delay of Repair
725.960	Standards: Closed-vent Systems and Control Devices
725.961	Percent Leakage Alternative for Valves
725.962	Skip Period Alternative for Valves
725.963	Test Methods and Procedures
725.964	Recordkeeping Requirements

## SUBPART CC: AIR EMISSION STANDARDS FOR TANKS, SURFACE IMPOUNDMENTS, AND CONTAINERS

Section	
725.980	Applicability
725.981	Definitions
725.982	Schedule for Implementation of Air Emission Standards
725.983	Standards: General
725.984	Waste Determination Procedures
725.985	Standards: Tanks
725.986	Standards: Surface Impoundments
725.987	Standards: Containers
725.988	Standards: Closed-Vent Systems and Control Devices
725.989	Inspection and Monitoring Requirements
725.990	Recordkeeping Requirements
725.991	Alternative Tank Emission Control Requirements (Repealed)

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## SUBPART DD: CONTAINMENT BUILDINGS

Section  
725.1100 Applicability  
725.1101 Design and operating standards  
725.1102 Closure and Post-Closure Care

## SUBPART EE: HAZARDOUS WASTE MONITORS AND EXPLOSIVES STORAGE

Section  
725.1200 Applicability  
725.1201 Design and Operating Standards  
725.1202 Closure and Post-Closure Care

APPENDIX A Recordkeeping Instructions  
APPENDIX B EPA Report Form and Instructions (Repealed)  
APPENDIX C EPA Interim Primary Drinking Water Standards  
APPENDIX D Tests for Significance  
APPENDIX E Examples of Potentially Incompatible Waste  
APPENDIX F Compounds With Henry's Law Constant Less Than 0.1 V/X (at 25°C)

AUTHORITY: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4, and 27].

SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R87-18 at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R87-19 at 7 Ill. Reg. 14034, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11869, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1085, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14069, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6044, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13489, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19338, effective November 10, 1987; amended in R87-26 at 12 Ill. Reg. 2485, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13027, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 437, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18354, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14447, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16498, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9398, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14534, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9578, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17672, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5681, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20620, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6771, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12190, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17548, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9566, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11078, effective August 1, 1996; amended in

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R96-10/R97-3/R97-5 at 22 Ill. Reg. 369, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7620, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17620, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1850, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9166, effective July 26, 1999; amended in R00-5 at 24 Ill. Reg. 1076, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9518, effective June 20, 2000.

NOTE: In this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets; and SUM means the summation series or sigma function as used in mathematics.

## SUBPART A: GENERAL PROVISIONS

## Section 725.101 Purpose, Scope, and Applicability

a) The purpose of this Part is to establish minimum standards that define the acceptable management of hazardous waste during the period of interim status and until certification of final closure or, if the facility is subject to post-closure care requirements, until post-closure care responsibilities are fulfilled.

b) Except as provided in Section 725.980(b), the standards in this Part and 35 Ill. Adm. Code 724.652 through 724.654 apply to owners and operators of facilities that treat, store, or dispose of hazardous waste that have fully complied with the requirements for interim status under Section 3005(e) of the Resource Conservation and Recovery Act (RCRA) (42 USC 6901 et seq.) and 35 Ill. Adm. Code 703, until either a permit is issued under Section 3005 of the Resource Conservation and Recovery Act or Section 21(f) of the Environmental Protection Act, or until applicable closure and post-closure care responsibilities under this Part are fulfilled, and to those owners and operators of facilities in existence on November 19, 1980, that have failed to provide timely notification as required by Section 3010(a) of RCRA or that have failed to file Part A of the Permit Application, as required by 40 CFR 270.10(e) and (g) or 35 Ill. Adm. Code 703.150 and 703.152. These standards apply to all treatment, storage, or disposal of hazardous waste at these facilities after November 19, 1980, except as specifically provided otherwise in this Part or 35 Ill. Adm. Code 721.

BOARD NOTE: As stated in Section 3005(a) of RCRA, after the effective date of regulations under that Section (i.e., 40 CFR 270 and 124) the treatment, storage, or disposal of hazardous waste is prohibited except in accordance with a permit. Section 3005(e) of RCRA provides for the continued operation of an existing facility that meets certain conditions until final administrative disposition of the owner's and operator's permit application is made. 35 Ill. Adm. Code 703.140 et seq. provide that a permit is deemed issued under Section 21(f)(1) of



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the Environmental Protection Act under conditions similar to federal interim status.

c) The requirements of this Part do not apply to:

- 1) A person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the Marine Protection, Research and Sanctuaries Act (16 USC 1431-1434; 33 USC 1401);
- BOARD NOTE: This Part applies to the treatment or storage of hazardous waste before it is loaded into an ocean vessel for incineration or disposal at sea, as provided in subsection (b) of this Section.
- 2) This subsection corresponds with 40 CFR 265.1(c)(2), marked "reserved" by USEPA. This statement maintains structural consistency with USEPA rules;
- 3) The owner or operator of a POTW (publicly owned treatment works) that treats, stores, or disposes of hazardous waste;
- BOARD NOTE: The owner or operator of a facility under subsections (c)(1) and (c)(3) is subject to the requirements of 35 Ill. Adm. Code 724 to the extent they are included in a permit by rule granted to such a person under 35 Ill. Adm. Code 702 and 703 or are required by 35 Ill. Adm. Code 704.Subpart F.
- 4) This subsection corresponds with 40 CFR 265.1(c)(4), which pertains exclusively to the applicability of the federal regulations in authorized states. There is no need for a parallel provision in the Illinois regulations. This statement maintains structural consistency with USEPA rules;
- 5) The owner or operator of a facility permitted, licensed, or registered by Illinois to manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores, or disposes of is excluded from regulation under this Part by 35 Ill. Adm. Code 721.105;
- 6) The owner or operator of a facility managing recyclable materials described in 35 Ill. Adm. Code 721.106(a)(2) through (a)(4), except to the extent that requirements of this Part are referred to in 35 Ill. Adm. Code 726.Subparts C, F, G, or H or 35 Ill. Adm. Code 739;
- 7) A generator accumulating waste on-site in compliance with 35 Ill. Adm. Code 722.134, except to the extent the requirements are included in 35 Ill. Adm. Code 722.134;
- 8) A farmer disposing of waste pesticides from the farmer's own use in compliance with 35 Ill. Adm. Code 722.170;
- 9) The owner or operator of a totally enclosed treatment facility, as defined in 35 Ill. Adm. Code 720.110;
- 10) The owner or operator of an elementary neutralization unit or a wastewater treatment unit as defined in 35 Ill. Adm. Code 720.110, provided that if the owner or operator is diluting hazardous ignitable (D001) wastes (other than the D001 High TOC Subcategory defined in 35 Ill. Adm. Code 728,Table T or reactive (D003) waste in order to remove the characteristic before land

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disposal, the owner or operator shall comply with the requirements set out in Section 725.117(b);

11) Immediate response:

- A) Except as provided in subsection (c)(11)(B) of this Section, a person engaged in treatment or containment activities during immediate response to any of the following situations:
  - i) A discharge of a hazardous waste;
  - ii) An imminent and substantial threat of a discharge of a hazardous waste;
  - iii) A discharge of a material that becomes a hazardous waste when discharged; or
  - iv) An immediate threat to human health, public safety, property, or the environment from the known or suspected presence of military munitions, other explosive material, or an explosive device, as determined by an explosives or munitions emergency response specialist as defined in 35 Ill. Adm. Code 720.110.
- B) An owner or operator of a facility otherwise regulated by this Part shall comply with all applicable requirements of 725-Subparts C and D of this Part.
- C) Any person that is covered by subsection (c)(11)(A) of this Section that continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this Part and 35 Ill. Adm. Code 702, 703, and 705 for those activities;
- D) In the case of an explosives or munitions emergency response, if a federal, state, or local official acting within the scope of his or her official responsibilities or an explosives or munitions emergency response specialist determines that immediate removal of the material or waste is necessary to protect human health or the environment, that official or specialist may authorize the removal of the material or waste by transporters that do not have USEPA identification numbers and without the preparation of a manifest. In the case of emergencies involving military munitions, the responding military emergency response specialist's organizational unit shall retain records for three years identifying the dates of response, the responsible persons responding, the type and description of material addressed, and its disposition;
- 12) A transporter storing manifested shipments of hazardous waste in containers meeting the requirements of 35 Ill. Adm. Code 722.130 at a transfer facility for a period of ten days or less;
- 13) The addition of absorbent material to waste in a container (as defined in 35 Ill. Adm. Code 720.110) or the addition of waste to

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the absorbent material in a container, provided that these actions occur at the time that the waste is first placed in the containers and Sections 725.117(b), 725.271, and 725.272 are complied with:

- 14) A universal waste handler or universal waste transporter (as defined in 35 Ill. Adm. Code 720.110) that handles any of the wastes listed below is subject to regulation under 35 Ill. Adm. Code 733 when handling the following universal wastes:
  - A) Batteries, as described in 35 Ill. Adm. Code 733.102;
  - B) Pesticides, as described in 35 Ill. Adm. Code 733.103;
  - C) Thermosets, as described in 35 Ill. Adm. Code 733.104; and
  - D) Lamps, Mercury-containing lamps as described in 35 Ill. Adm. Code 733.105 933.109.

**BOARD NOTE:--Section-(c)(14)(9)-of-this-Section-was-added pursuant-to-Section-22-23a-of-the-Act--(415--56S--5/22-23a) (see-P.A.-96-569-effective-August-19-1997):**

- d) The following hazardous wastes must not be managed at facilities subject to regulation under this Part: hazardous waste numbers F020, F021, F022, F023, F026, or F027 unless:

- 1) The wastewater treatment sludge is generated in a surface impoundment as part of the plant's wastewater treatment system;
- 2) The waste is stored in tanks or containers;
- 3) The waste is stored or treated in waste piles that meet the requirements of 35 Ill. Adm. Code 724.350(c) and all other applicable requirements of 725-Subpart L of this Part;
- 4) The waste is burned in incinerators that are certified pursuant to the standards and procedures in Section 725.452; or
- 5) The waste is burned in facilities that thermally treat the waste in a device other than an incinerator and that are certified pursuant to the standards and procedures in Section 725.483.
- e) This Part applies to owners and operators of facilities that treat, store, or dispose of hazardous wastes referred to in 35 Ill. Adm. Code 728, and the 35 Ill. Adm. Code 728 standards are considered material conditions or requirements of the interim status standards of this Part.
- f) 35 Ill. Adm. Code 726.505 identifies when the requirements of this Part apply to the storage of military munitions classified as solid waste under 35 Ill. Adm. Code 726.302. The treatment and disposal of hazardous waste military munitions are subject to the applicable permitting, procedural, and technical standards in 35 Ill. Adm. Code 702, 703, 705, 720 through 726, and 728.
- g) Other bodies of regulations may apply to a person, facility, or activity, such as 35 Ill. Adm. Code 809 (special waste hauling), 35 Ill. Adm. Code 807 or 810 through 817 (solid waste landfills), 35 Ill. Adm. Code 848 or 849 (used and scrap tires), or 35 Ill. Adm. Code 1420 through 1422 (potentially infectious medical waste), depending on the provisions of those other regulations.

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(Source: Amended at 24 Ill. Reg. **95 75**, effective June 20, 2000)

## SUPPORT O: INCINERATORS

## Section 725.440 Applicability

- a) The regulations in this Subpart apply to owners or operators of hazardous waste incinerators (as defined in 35 Ill. Adm. Code 720.110), except as 35 Ill. Adm. Code 724.101 provides otherwise.

- b) Integration of the MACT standards.

1) Except as provided by subsection (b)(2) of this Section, the standards of this Part no longer apply when an owner or operator demonstrates compliance with the maximum achievable control technology (MACT) requirements of 40 CFR 63, Subpart EEE, incorporated by reference in 35 Ill. Adm. Code 720.111, by conducting a comprehensive performance test and submitting to the Agency a Notification of Compliance, under 40 CFR 63.1207(l) and 63.1210(d), documenting compliance with the requirements of 40 CFR 63, Subpart EEE.

- 2) The MACT standards of 40 CFR 63, Subpart EEE do not replace the closure requirements of Section 724.451 or the applicable requirements of Subparts A through H, BB, and CC of this Part.

**BOARD NOTE:** Sections 9.1 and 39.5 of the Environmental Protection Act [415 ILCS 5/9.1 and 39.5] make the federal MACT standards directly applicable to entities in Illinois and authorize the Agency to issue permits based on the federal standards.

c) Owners and operators of incinerators burning hazardous waste are exempt from all of the requirements of this Subpart, except Section 725.451 (Closure), provided that the owner or operator has documented, in writing, that the waste would not reasonably be expected to contain any of the hazardous constituents listed in 35 Ill. Adm. Code 721.Appendix H, and such documentation is retained at the facility, if the waste to be burned is:

- 1) Listed as a hazardous waste in 35 Ill. Adm. Code 721.Subpart D, solely because it is ignitable (Hazard Code I), corrosive (Hazard Code C), or both; or
- 2) Listed as a hazardous waste in 35 Ill. Adm. Code 721.Subpart D, solely because it is reactive (Hazard Code R) for characteristics other than those listed in 35 Ill. Adm. Code 721.123(a)(4) and (5), and will not be burned when other hazardous wastes are present in the combustion zone; or
- 3) A hazardous waste solely because it possesses the characteristic of ignitability, corrosivity, or both, as determined by the tests for characteristics of hazardous wastes under 35 Ill. Adm. Code 721.Subpart C; or
- 4) A hazardous waste solely because it possesses the reactivity characteristics described by 35 Ill. Adm. Code 721.123 (a)(1), (2), (3), (6), (7) or (8) and will not be burned when other

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hazardous wastes are present in the combustion zone.

(Source: Amended at 24 Ill. Reg. 95 75, effective June 20, 2000)

SUBPART CC: AIR EMISSION STANDARDS FOR TANKS,  
SURFACE IMPOUNDMENTS, AND CONTAINERS

## Section 725.980 Applicability

a) The requirements of this Subpart apply to owners and operators of all facilities that treat, store, or dispose of hazardous waste in tanks, surface impoundments, or containers that are subject to Subpart I, J, or K of this Part except, as Section 725.101 and subsection (b) of this Section provide otherwise.

b) The requirements of this Subpart do not apply to the following waste management units at the facility:

- 1) A waste management unit that holds hazardous waste placed in the unit before December 6, 1996, and in which no hazardous waste is added to the unit on or after December 6, 1996.
- 2) A container that has a design capacity less than or equal to 0.1 m<sup>3</sup> (3.5 ft<sup>3</sup>) or 26.4 gal.
- 3) A tank in which an owner or operator has begun implementing or completed closure pursuant to an approved closure plan.
- 4) A surface impoundment in which an owner or operator has stopped adding hazardous waste (except to implement an approved closure plan) and the owner or operator has begun implementing or completed closure pursuant to an approved closure plan.
- 5) A waste management unit that is used solely for on-site treatment or storage of hazardous waste that is placed in the unit as a result of implementing remedial activities required pursuant to the Act or Board regulations or under the corrective action authorities of RCRA sections 3004(u), 3004(v) or 3008(h); CERCLA authorities; or similar federal or State state authorities.
- 6) A waste management unit that is used solely for the management of radioactive mixed waste in accordance with all applicable regulations under the authority of the Atomic Energy Act (42 USC 2011 et seq.) and the Nuclear Waste Policy Act of 1982 (42 USC 10101 et seq.).
- 7) A hazardous waste management unit that the owner or operator certifies is equipped with and operating air emission controls in accordance with the requirements of an applicable federal Clean Air Act regulation codified under 40 CFR 60, 61, or 63. For the purpose of complying with this subsection (b)(7), a tank for which the air emission control includes an enclosure, as opposed to a cover, must be in compliance with the enclosure and control device requirements of Section 725.985(i), except as provided in Section 725.983(c)(5).

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8) A tank that has a process vent, as defined in 35 Ill. Adm. Code 725.931.

c) For the owner and operator of a facility subject to this Subpart that has received a final RCRA permit prior to December 6, 1996, the following requirements apply:

- 1) The requirements of 35 Ill. Adm. Code 724-Subpart CC must be incorporated into the permit when the permit is reissued, renewed, or modified in accordance with the requirements of 35 Ill. Adm. Code 703 and 705.

2) Until the date when the permit is reissued, renewed, or modified in accordance with the requirements of 35 Ill. Adm. Code 703 and 705, the owner and operator is subject to the requirements of this Subpart.

d) The requirements of this Subpart, except for the recordkeeping requirements specified in Section 725.990(i), are stayed for a tank or container used for the management of hazardous waste generated by organic peroxide manufacturing and its associated laboratory operations, when the owner or operator of the unit meets all of the following conditions:

- 1) The owner or operator identifies that the tank or container receives hazardous waste generated by an organic peroxide manufacturing process producing more than one functional family of organic peroxides or multiple organic peroxides within one functional family, that one or more of these organic peroxides could potentially undergo self-accelerating thermal decomposition at or below ambient temperatures, and that organic peroxides are the predominant products manufactured by the process. For the purposes of this subsection, "organic peroxide" means an organic compound that contains the bivalent -O-O- structure and which may be considered to be a structural derivative of hydrogen peroxide where one or both of the hydrogen atoms has been replaced by an organic radical.

2) The owner or operator prepares documentation, in accordance with Section 725.990(i), explaining why an undue safety hazard would be created if air emission controls specified in Sections 725.985 through 725.988 are installed and operated on the tanks and containers used at the facility to manage the hazardous waste generated by the organic peroxide manufacturing process or processes meeting the conditions of subsection (d)(1) of this Section.

3) The owner or operator notifies the Agency in writing that hazardous waste generated by an organic peroxide manufacturing process or processes meeting the conditions of subsection (d)(1) of this Section are managed at the facility in tanks or containers meeting the conditions of subsection (d)(2) of this Section. The notification must state the name and address of the facility and be signed and dated by an authorized representative of the facility owner or operator.

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(Source: Amended at 24 Ill. Reg. 95 75, effective June 20, 2000)

## Section 725.984 Waste Determination Procedures

a) Waste determination procedure for volatile organic (VO) concentration of a hazardous waste at the point of waste origination.

- 1) An owner or operator shall determine the average VO concentration at the point of waste origination for each hazardous waste placed in a waste management unit exempted under the provisions of Section 725.983(c)(1) from using air emission controls in accordance with standards specified in Section 725.985 through Section 725.988, as applicable to the waste management unit.

A) An owner or operator shall make an initial determination of the average VO concentration of the waste stream before the first time any portion of the material in the hazardous waste stream is placed in a waste management unit exempted under the provisions of Section 725.983(c)(1) from using air emission controls. Thereafter, an owner or operator shall make an initial determination of the average VO concentration of the waste stream for each averaging period that a hazardous waste is managed in the unit.

B) An owner or operator shall perform a new waste determination whenever changes to the source generating the waste stream are reasonably likely to cause the average VO concentration of the hazardous waste to increase to a level that is equal to or greater than the VO concentration limits specified in Section 725.983(c)(1).

- 2) For a waste determination that is required by subsection (a)(1) of this Section, the average VO concentration of a hazardous waste at the point of waste origination must be determined using either direct measurement, as specified in subsection (a)(3) of this Section, or by knowledge of the waste, as specified in subsection (a)(4) of this Section.

3) Direct measurement to determine average VO concentration of a hazardous waste at the point of waste origination:

A) Identification. The owner or operator shall identify and record the point of waste origination for the hazardous waste.

B) Sampling. Samples of the hazardous waste stream must be collected at the point of waste origination in such a manner that volatilization of organics contained in the waste and in the subsequent sample is minimized and an adequately representative sample is collected and maintained for analysis by the selected method.

- i) The averaging period to be used for determining the average VO concentration for the hazardous waste stream on a mass-weighted average basis must be designated and recorded. The averaging period can

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represents any time interval that the owner or operator determines is appropriate for the hazardous waste stream but must not exceed one year.

- ii) A sufficient number of samples, but no fewer than four samples, must be collected for a hazardous waste determination. All of the samples for a given waste determination must be collected within a one-hour period. The average of the four or more sample results constitutes a waste determination for the waste stream. One or more waste determinations may be required to represent the complete range of waste compositions and quantities that occur during the entire averaging period due to normal variations in the operating conditions for the source or process generating the hazardous waste stream. Examples of such normal variations are seasonal variations in waste quantity or fluctuations in ambient temperature.

iii) All samples must be collected and handled in accordance with written procedures prepared by the owner or operator and documented in a site sampling plan. This plan must describe the procedure by which representative samples of the hazardous waste stream are collected so that a minimum loss of organics occurs throughout the sample collection and handling process, and by which sample integrity is maintained. A copy of the written sampling plan must be maintained on-site in the facility operating records. An example of an acceptable sampling plan includes a plan incorporating sample collection and handling procedures in accordance with the requirements specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, or in Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.

- iv) Sufficient information, as specified in the "site sampling plan" required under subsection (a)(3)(B)(iii) of this Section, must be prepared and recorded to document the waste quantity represented by the samples and, as applicable, the operating conditions for the source or process generating the hazardous waste represented by the samples.

C) Analysis. Each collected sample must be prepared and analyzed in accordance with one or more of the methods listed in subsections (a)(3)(C)(i) through (a)(3)(C)(ix) of this Section, including the appropriate quality assurance and quality control (QA/QC) checks and use of target



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compounds for calibration. If Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, is not used, then one or more methods should be chosen that are appropriate to ensure that the waste determination accounts for and reflects all organic compounds in the waste with Henry's law constant values at least

one-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase ( $0.1 \text{ Y/X}$ ) (which can also be expressed as  $1.8 \times 10^{-6}$ ) atmospheres/gram-mole/ $\text{m}^3$ ) at  $25^\circ \text{C}$  ( $77^\circ \text{F}$ ). Each of the analytical methods listed in subsections (a)(3)(C)(ii) through (a)(3)(C)(vii) of this Section has an associated list of approved chemical compounds for which USEPA considers the method appropriate for measurement. If an owner or operator uses USEPA Method 624, 625, 1624, or 1625 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, to analyze one or more compounds that are not on that method's published list, the Alternative Test Procedure contained in 40 CFR 136.4 and 136.5, incorporated by reference in 35 Ill. Adm. Code 720.111, must be followed. If an owner or operator uses USEPA Method 8260 or 8270 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, to analyze one or more compounds that are not on that method's published list, the procedures in subsection (a)(3)(C)(viii) of this Section must be followed. At the owner's or operator's discretion, the owner or operator may adjust test data measured by a method other than Method 25D to the corresponding average VO concentration value that would have been obtained, had the waste samples been analyzed using Method 25D. To adjust these data, the measured concentration of each individual chemical constituent contained in the waste is multiplied by the constituent-specific adjustment factor ( $f_{m25D}$ ). If the owner or operator elects to adjust test data, the adjustment must be made to all individual chemical constituents with a Henry's law constant value greater than or equal to  $0.1 \text{ Y/X}$ . Constituent-specific adjustment factors ( $f_{m25D}$ ) can be obtained by contacting the USEPA, Waste and Chemical Processes Group, Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711.

- i) Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
- ii) Method 624 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
- iii) Method 625 in 40 CFR 136, appendix A, incorporated by

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reference in 35 Ill. Adm. Code 720.111. Perform corrections to the compounds for which the analysis is being conducted based on the "accuracy as recovery" using the factors in Table 7 of the method.

- iv) Method 1624 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
- v) Method 1625 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
- vi) Method 8260 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111. Maintain a formal quality assurance program consistent with the requirements of Method 8260. The quality assurance program must include the elements set forth in subsection (a)(3)(F) of this Section.
- vii) Method 8270 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111. Maintain a formal quality assurance program consistent with the requirements of Method 8270. The quality assurance program must include the elements set forth in subsection (a)(3)(F) of this Section.
- viii) Any other USEPA standard method that has been validated in accordance with "Alternative Validation Procedure for USEPA Waste and Wastewater Methods", 40 CFR 63, appendix D, incorporated by reference in 35 Ill. Adm. Code 720.111. As an alternative, other USEPA standard methods may be validated by the procedure specified in subsection (a)(3)(C)(ix) of this Section.
- ix) Any other analysis method that has been validated in accordance with the procedures specified in Section 5.1 or Section 5.3, and the corresponding calculations in Section 6.1 or Section 6.3, of Method 301 in 40 CFR 63, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111. The data are acceptable if they meet the criteria specified in Section 6.1.5 or Section 6.3.3 of Method 301. If correction is required under Section 6.3.3 of Method 301, the data are acceptable if the correction factor is within the range 0.7 to 1.30. Other Sections of Method 301 are not required.
- D) Calculations.
  - i) The average VO concentration (C) on a mass-weighted basis must be calculated by using the results for all waste determinations conducted in accordance with subsections (a)(3)(B) and (a)(3)(C) of this Section and the following equation:



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$$\bar{C} = \frac{1}{Q(T)} \times \sum_{i=1}^n Q(i) \times C(i)$$

Where:

$\bar{C}$  = Average VO concentration of the hazardous waste at the point of waste origination on a mass-weighted basis, in ppmw.

$i$  = Individual waste determination "i" of the hazardous waste.

$n$  = Total number of waste determinations of the hazardous waste conducted for the averaging period (not to exceed one year).

$Q(i)$  = Mass quantity of the hazardous waste stream represented by  $C(i)$ , in kg/hr.

$Q(T)$  = Total mass quantity of the hazardous waste during the averaging period, in kg/hr.

$C(i)$  = Measured VO concentration of waste determination "i", as determined in accordance with subsection (a)(3)(C) of this Section (i.e., the average of the four or more samples specified in subsection (a)(3)(B)(ii) of this Section), in ppmw.

- ii) For the purpose of determining  $C(i)$ , for individual waste samples analyzed in accordance with subsection (a)(3)(C) of this Section, the owner or operator shall account for VO concentrations determined to be below the limit of detection of the analytical method by using the VO concentration determined according to subsection (a)(3)(G) of this Section.
- E) Provided that the test method is appropriate for the waste as required under subsection (a)(3)(C) of this Section, the Agency must determine compliance based on the test method used by the owner or operator as recorded pursuant to Section 725.990(f)(1).
- F) The quality assurance program elements required under

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subsections (a)(3)(C)(vi) and (a)(3)(C)(vii) of this Section are as follows:

i) Documentation of site-specific procedures to minimize the loss of compounds due to volatilization, biodegradation, reaction, or sorption during the sample collection, storage, preparation, introduction, and analysis steps.

ii) Measurement of the overall accuracy and precision of the specific procedures.

BOARD NOTE: Subsections (a)(3)(F)(i) and (a)(3)(F)(ii) are derived from 40 CFR 265.984(a)(3)(ii)(F)(1), (a)(3)(ii)(F)(2), (a)(3)(ii)(G)(1), and (a)(3)(ii)(G)(2), which the Board has codified here to comport with Illinois Administrative Code format requirements.

G) VO concentrations below the limit of detection must be considered to be as follows:

i) If Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, is used for the analysis, the VO concentration must be considered to be one-half the blank value determined in the method at Section 4.4 of Method 25D in 40 CFR 60, appendix A.

ii) If any other analytical method is used, the VO concentration must be considered to be one-half the sum of the limits of detection established for each organic constituent in the waste that has a Henry's law constant value at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-liquid-phase (0.1 Y/X) (which can also be expressed as  $1.8 \times 10^{(-6)}$  atmosphere/gram-mole/m<sup>3</sup>) at 25° C.

BOARD NOTE: Subsections (a)(3)(G)(i) and (a)(3)(G)(ii) are derived from 40 CFR 265.984(a)(3)(iv)(A)(1) and (a)(3)(iv)(A)(2), which the Board has codified here to comport with Illinois Administrative Code format requirements.

4) Use of owner or operator knowledge to determine average VO concentration of a hazardous waste at the point of waste origination.

A) Documentation must be prepared that presents the information used as the basis for the owner's or operator's knowledge of the hazardous waste stream's average VO concentration. Examples of information that may be used as the basis for knowledge include the following: material balances for the source or process generating the hazardous waste stream; constituent-specific chemical test data for the hazardous waste stream from previous testing that are still applicable to the current waste stream; previous test data for other

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locations managing the same type of waste stream; or other knowledge based on information included in manifests, shipping papers, or waste certification notices.

- B) If test data are used as the basis for knowledge, then the owner or operator shall document the test method, sampling protocol, and the means by which sampling variability and analytical variability are accounted for in the determination of the average VO concentration. For example, an owner or operator may use organic concentration test data for the hazardous waste stream that are validated in accordance with Method 301 in 40 CFR 63, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, as the basis for knowledge of the waste.

- C) An owner or operator using chemical constituent-specific concentration test data as the basis for knowledge of the hazardous waste may adjust the test data to the corresponding average VO concentration value that would have been obtained had the waste samples been analyzed using Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111. To adjust these data, the measured concentration for each individual chemical constituent contained in the waste is multiplied by the appropriate constituent-specific adjustment factor (f<sub>ij</sub>m<sub>25Dj</sub>).

- D) In the event that the Agency and the owner or operator disagree on a determination of the average VO concentration for a hazardous waste stream using knowledge, then the results from a determination of average VO concentration using direct measurement, as specified in subsection (a)(3) of this Section, must be used to establish compliance with the applicable requirements of this Subpart. The Agency may perform or request that the owner or operator perform this determination using direct measurement. The owner or operator may choose one or more appropriate methods to analyze each collected sample in accordance with the requirements of subsection (a)(3)(C) of this Section.

- b) Waste determination procedures for treated hazardous waste.

- 1) An owner or operator shall perform the applicable waste determination for each treated hazardous waste placed in a waste management unit exempted under the provisions of Section 725.983(c)(2)(A) through (c)(2)(F) from using air emission controls in accordance with the standards specified in Sections 725.985 through 725.988, as applicable to the waste management unit.

- A) An owner or operator shall make an initial determination of the average VO concentration of the waste stream before the first time any portion of the material in the treated waste stream is placed in the waste management unit exempt under

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Section 725.983(c)(2), (c)(3), or (c)(4) from using air emission controls. Thereafter, an owner or operator shall update the information used for the waste determination at least once every 12 months following the date of the initial waste determination.

- B) An owner or operator shall perform a new waste determination whenever changes to the process generating or treating the waste stream are reasonably likely to cause the average VO concentration of the hazardous waste to increase to such a level that the applicable treatment conditions specified in Section 725.983(c)(2), (c)(3), or (c)(4) are not achieved.

- 2) The owner or operator shall designate and record the specific provision in Section 725.983(c)(2) under which the waste determination is being performed. The waste determination for the treated hazardous waste must be performed using the applicable procedures specified in subsections (b)(3) through (b)(9) of this Section.

- 3) Procedure to determine the average VO concentration of a hazardous waste at the point of waste treatment.

- A) Identification. The owner or operator shall identify and record the point of waste treatment for the hazardous waste.
- B) Sampling. Samples of the hazardous waste stream must be collected at the point of waste treatment in such a manner that volatilization of organics contained in the waste and in the subsequent sample is minimized and an adequately representative sample is collected and maintained for analysis by the selected method.

- 1) The averaging period to be used for determining the average VO concentration for the hazardous waste stream on a mass-weighted average basis must be designated and recorded. The averaging period can represent any time interval that the owner or operator determines is appropriate for the hazardous waste stream but must not exceed one year.

- ii) A sufficient number of samples, but no fewer than four samples, must be collected and analyzed for a hazardous waste determination. All of the samples for a given waste determination must be collected within a one-hour period. The average of the four or more sample results constitutes a waste determination for the hazardous waste stream. One or more waste determinations may be required to represent the complete range of waste compositions and quantities that occur during the entire averaging period due to normal variations in the operating conditions for the process generating or treating the hazardous waste stream. Examples of such normal variations are seasonal variations in waste quantity or fluctuations

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in ambient temperature.

- iii) All samples must be collected and handled in accordance with written procedures prepared by the owner or operator and documented in a site sampling plan. This plan must describe the procedure by which representative samples of the hazardous waste stream are collected so that a minimum loss of organics occurs throughout the sample collection and handling process, and by which sample integrity is maintained. A copy of the written sampling plan must be maintained on-site in the facility operating records. An example of an acceptable sampling plan includes a plan incorporating sample collection and handling procedures in accordance with the requirements specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA Publication No. SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, or in Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.

- iv) Sufficient information, as specified in the "site sampling plan" required under subsection (a)(3)(B)(iii) of this Section, must be prepared and recorded to document the waste quantity represented by the samples and, as applicable, the operating conditions for the process treating the hazardous waste represented by the samples.

- c) Analysis. Each collected sample must be prepared and analyzed in accordance with one or more of the methods listed in subsections (b)(3)(C)(i) through (b)(3)(C)(ix) of this Section, including appropriate quality assurance and quality control (QA/QC) checks and use of target compounds for calibration. When the owner or operator is making a waste determination for a treated hazardous waste that is to be compared to an average VO concentration at the point of waste origination or the point of waste entry to the treatment system, to determine if the conditions of 35 Ill. Adm. Code 724.982(c)(2)(A) through (c)(2)(F) or Section 725.983(c)(2)(A) through (c)(2)(F) are met, then the waste samples must be prepared and analyzed using the same method or methods as were used in making the initial waste determinations at the point of waste origination or at the point of entry to the treatment system. If Method 25D in 40 CFR 60, appendix A is not used, then one or more methods should be chosen that are appropriate to ensure that the waste determination accounts for and reflects all organic compounds in the waste with Henry's law constant values at least 0.1

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liquid-phase (0.1 Y/X) which can also be expressed as  $1.8 \times 10^{-6}$  atmospheres/gram-mole/(3J) at 25 degrees Celsius. Each of the analytical methods listed in subsections (b)(3)(C)(ii) through (b)(3)(C)(vii) of this Section has an associated list of approved chemical compounds, for which USEPA considers the method appropriate for measurement. If an owner or operator uses USEPA Method 624, 625, 1624, or 1625 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, to analyze one or more compounds that are not on that method's published list, the Alternative Test Procedure contained in 40 CFR 136.4 and 136.5, incorporated by reference in 35 Ill. Adm. Code 720.111, must be followed. If an owner or operator uses USEPA Method 8260 or 8270 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, to analyze one or more compounds that are not on that method's published list, the procedures in subsection (b)(3)(C)(viii) of this Section must be followed. At the owner's or operator's discretion, the owner or operator may adjust test data measured by a method other than Method 25D to the corresponding average VO concentration value that would have been obtained, had the waste samples been analyzed using Method 25D. To adjust these data, the measured concentration of each individual chemical constituent contained in the waste is multiplied by the constituent-specific adjustment factor ( $f_{m25D}$ ). If the owner or operator elects to adjust test data, the adjustment must be made to all individual chemical constituents with a Henry's law constant value greater than or equal to 0.1 Y/X at 25° C contained in the waste. Constituent-specific adjustment factors ( $f_{m25D}$ ) can be obtained by contacting the USEPA, Waste and Chemical Processes Group, Office of Air Planning and Standards, Research Triangle Park, NC 27711.

- i) Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
- ii) Method 624 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
- iii) Method 625 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111. Perform corrections to the compounds for which the analysis is being conducted based on the "accuracy as recovery" using the factors in Table 7 of the method.
- iv) Method 1624 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
- v) Method 1625 in 40 CFR 136, appendix A, incorporated by

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reference in 35 Ill. Adm. Code 720.111.  
vi) Method 8260 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111. Maintain a formal quality assurance program consistent with the requirements of Method 8260. The quality assurance program must include the elements set forth in subsection (b)(3)(E) of this Section.

vii) Method 8270 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111. Maintain a formal quality assurance program consistent with the requirements of Method 8270. The quality assurance program must include the elements set forth in subsection (b)(3)(E) of this Section.

viii) Any other USEPA standard method that has been validated in accordance with "Alternative Validation Procedure for EPA Waste and Wastewater Methods", 40 CFR 63, appendix D, incorporated by reference in 35 Ill. Adm. Code 720.111. As an alternative, other USEPA standard methods may be validated by the procedure specified in subsection (b)(3)(C)(ix) of this Section.

ix) Any other analysis method that has been validated in accordance with the procedures specified in Section 5.1 or Section 5.3, and the corresponding calculations in Section 6.1 or Section 6.3, of Method 301 in 40 CFR 63, appendix A. The data are acceptable if they meet the criteria specified in Section 6.1.5 or Section 6.3.3 of Method 301. If correction is required under Section 6.3.3 of Method 301, the data are acceptable if the correction factor is within the range 0.7 to 1.30. Other Sections of Method 301 are not required.

D) Calculations. The average VO concentration (C) on a mass-weighted basis must be calculated by using the results for all samples analyzed in accordance with subsection (b)(3)(C) of this Section and the following equation:

$$\bar{C} = \frac{1}{Q(T)} \times \sum_{i=1}^n (Q(i) \times C(i))$$

Where:

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C = Average VO concentration of the hazardous waste at the point of waste treatment on a mass-weighted basis, in ppmw.

i = Individual determination "i" of the hazardous waste.

n = Total number of waste determinations of the hazardous waste collected for the averaging period (not to exceed 1 year).

Q(i) = Mass quantity of the hazardous waste stream represented by C(i), in kg/hr.

Q(T) = Total mass quantity of hazardous waste during the averaging period, in kg/hr.

C(i) = Measured VO concentration of waste determinations "i", as determined in accordance with the requirements of subsection (b)(3)(C) of this Section (i.e., the average of the four or more samples specified in subsection (b)(3)(B)(i) of this Section), in ppmw.

E) Provided that the test method is appropriate for the waste as required under subsection (b)(3)(C) of this Section, compliance must be determined based on the test method used by the owner or operator as recorded pursuant to Section 725.990(f)(1).

4) Procedure to determine the exit concentration limit (C(t)) for a treated hazardous waste.

A) The point of waste origination for each hazardous waste treated by the process at the same time must be identified.

B) If a single hazardous waste stream is identified in subsection (b)(4)(A) of this Section, then the exit concentration limit (C(t)) must be 500 ppmw.

C) If more than one hazardous waste stream is identified in subsection (b)(4)(A) of this Section, then the average VO concentration of each hazardous waste stream at the point of waste origination must be determined in accordance with the requirements of subsection (a) of this Section. The exit concentration limit (C(t)) must be calculated by using the results determined for each individual hazardous waste

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stream and the following equation:

$$C(t) = \frac{\sum_{x=1}^m (Q[x] \times \bar{C}[x]) + \sum_{y=1}^n (Q[y] \times 500 \text{ ppmw})}{\sum_{x=1}^m Q[x] + \sum_{y=1}^n Q[y]}$$

Where:

$C(t)$  = Exit concentration limit for treated hazardous waste, in ppmw.

$x$  = Individual hazardous waste stream "x" that has an average VO concentration less than 500 ppmw at the point of waste origination, as determined in accordance with the requirements of subsection (a) of this Section.

$y$  = Individual hazardous waste stream "y" that has an average VO concentration equal to or greater than 500 ppmw at the point of waste origination, as determined in accordance with the requirements of subsection (a) of this Section.

$m$  = Total number of "x" hazardous waste streams treated by process.

$n$  = Total number of "y" hazardous waste streams treated by process.

$Q[x]$  = Annual mass quantity of hazardous waste stream "x", in kg/yr.

$Q[y]$  = Annual mass quantity of hazardous waste stream "y", in kg/yr.

$\bar{C}[x]$  = Average VO concentration of hazardous waste stream "x" at the point of waste origination, as determined in accordance with the requirements of subsection (a) of this Section, in ppmw.

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5) Procedure to determine the organic reduction efficiency (R) for a treated hazardous waste.

A) The organic reduction efficiency (R) for a treatment process must be determined based on results for a minimum of three consecutive runs.

B) All hazardous waste streams entering the process and all hazardous waste streams exiting the treatment process must be identified. The owner or operator shall prepare a sampling plan for measuring these streams that accurately reflects the retention time of the hazardous waste in the process.

C) For each run, information must be determined for each hazardous waste stream identified in subsection (b)(5)(B) of this Section, using the following procedures:

i) The mass quantity of each hazardous waste stream entering the process (Qib) and the mass quantity of each hazardous waste stream exiting the process (Q(a)) must be determined.

ii) The average VO concentration at the point of waste origination of each hazardous waste stream entering the process (C(b)) during the run must be determined in accordance with the requirements of subsection **subsections** (a)(3) of this Section. The average VO concentration at the point of waste treatment of each hazardous waste stream exiting the process (C(a)) during the run must be determined in accordance with the requirements of subsection (b)(3) of this Section.

D) The waste volatile organic mass flow entering the process (E(b)) and the waste volatile organic mass flow exiting the process (E(a)) must be calculated by using the results determined in accordance with subsection (b)(5)(C) of this Section and the following equations:

$$E(b) = \frac{1}{10(6)} \sum_{j=1}^m (Q(bj) \times \bar{C}(bj))$$

$$E(a) = \frac{1}{10(6)} \sum_{j=1}^m (Q(a)j \times \bar{C}(a)j)$$

Where:

$E(a)$  = Waste volatile organic mass flow exiting the process, in kg/hr.



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$E[b]$  = Waste volatile organic mass flow entering the process, in kg/hr.

$m$  = Total number of runs (at least 3).

$j$  = Individual run "j".

$Q[bj]$  = Mass quantity of hazardous waste entering the process during run "j", in kg/hr.

$Q[a_j]$  = Average mass quantity of waste exiting the process during run "j", in kg/hr.

$C[a_j]$  = Average VO concentration of hazardous waste exiting the process during run "j", as determined in accordance with the requirements of subsection (b)(3) of this Section, in ppmw.

$C[b_j]$  = Average VO concentration of hazardous waste entering the process during run "j", as determined in accordance with the requirements of subsection (b)(3) of this Section, in ppmw.

E) The organic reduction efficiency of the process must be calculated by using the results determined in accordance with subsection (b)(5)(D) of this Section and the following equation:

$$R = \frac{E[b] - E[a]}{E[b]} \times 100\%$$

Where:

$R$  = Organic reduction efficiency, in percent.

$E[b]$  = Waste volatile organic mass flow entering the process as determined in accordance with the requirements of subsection (b)(5)(D) of this Section, in kg/hr.

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$E[a]$  = Waste volatile organic mass flow exiting the process as determined in accordance with the requirements of subsection (b)(5)(D) of this Section, in kg/hr.

6) Procedure to determine the organic biodegradation efficiency (R[bio]) for a treated hazardous waste.

A) The fraction of organics biodegraded (F[bio]) must be determined using the procedure specified in 40 CFR 63, appendix Appendix C, incorporated by reference in 35 Ill. Adm. Code 720.111.

B) The organic biodegradation efficiency (R[bio]) must be calculated by using the following equation:

$$R[bio] = F[bio] \times 100\%$$

Where:

$R[bio]$  = Organic biodegradation efficiency, in percent.

$F[bio]$  = Fraction of organic biodegraded, as determined in accordance with the requirements of subsection (b)(6)(A) of this Section.

7) Procedure to determine the required organic mass removal rate (RMR) for a treated hazardous waste.

A) All of the hazardous waste streams entering the treatment process must be identified.

B) The average VO concentration of the hazardous waste stream at the point of waste origination must be determined in accordance with the requirements of subsection (a) of this Section.

C) For each individual hazardous waste stream that has an average volatile organic concentration equal to or greater than 500 ppmw at the point of waste origination, the average volumetric flow rate of hazardous waste and the density of the hazardous waste stream at the point of waste origination must be determined.

D) The required organic mass removal rate (RMR) for the hazardous waste must be calculated by using the average VO concentration, average volumetric flow rate, and density determined for each individual hazardous waste stream, and the following equation:

$$n \left[ \quad \quad \quad \right]$$

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$$RMR = \sum_{y=1}^n [ V[y] \times k[y] \times \frac{C[y] - 500 \text{ppmw}}{10(f)} ]$$

Where:

RMR = Required organic mass removal rate, in kg/hr.

y = Individual hazardous waste stream "y" that has an average volatile organic (VO) concentration equal to or greater than 500 ppmw at the point of waste origination, as determined in accordance with the requirements of subsection (a) of this Section.

n = Total number of "y" hazardous waste streams treated by process.

V[y] = Average volumetric flow rate of hazardous waste stream "y" at the point of waste origination, in m(3)/hr.

k[y] = Density of hazardous waste stream "y", in kg/m(3).

C[y] = Average VO concentration of hazardous waste stream "y" at the point of waste origination, as determined in accordance with the requirements of subsection (a) of this Section, in ppmw.

8) Procedure to determine the actual organic mass removal rate (MR) for a treated hazardous waste.

- The actual organic mass removal rate (MR) must be determined based on results for a minimum of three consecutive runs. The sampling time for each run must be one hour.
- The waste volatile organic mass flow entering the process (E[b]) and the waste volatile organic mass flow exiting the process (E[a]) must be determined in accordance with the requirements of subsection (b)(5)(D) of this Section.
- The actual organic mass removal rate (MR) must be calculated by using the mass flow rate determined in accordance with the requirements of subsection (b)(8)(B) of this Section and the following equation:

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$$MR = E[b] - E[a]$$

Where:

MR = Actual organic mass removal rate, in kg/hr.

E[b] = Waste volatile organic mass flow entering the process, as determined in accordance with the requirements of subsection (b)(5)(D) of this Section, in kg/hr.

E[a] = Waste volatile organic mass flow exiting the process, as determined in accordance with the requirements of subsection (b)(5)(D) of this Section, in kg/hr.

9) Procedure to determine the actual organic mass biodegradation rate (MR[bio]) for a treated hazardous waste.

- The actual organic mass biodegradation rate (MR[bio]) must be determined based on results for a minimum of three consecutive runs. The sampling time for each run must be one hour.
- The waste organic mass flow entering the process (E[b]) must be determined in accordance with the requirements of subsection (b)(5)(D) of this Section.
- The fraction of organic biodegraded (F[bio]) must be determined using the procedure specified in 40 CFR Part 63, appendix Appendix C, incorporated by reference in 35 Ill. Adm. Code 720.111.
- The actual organic mass biodegradation rate (MR[bio]) must be calculated by using the mass flow rates and fraction of organic biodegraded, as determined in accordance with the requirements of subsections (b)(9)(B) and (b)(9)(C) of this Section, respectively, and the following equation:

$$MR[bio] = E[b] \times F[bio]$$

Where:

MR[bio] = Actual organic mass biodegradation rate, in kg/hr.

E[b] = Waste organic mass flow entering the process, as determined in accordance with the requirements of subsection

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(b)(5)(D) of this Section, in kg/hr.

Fb10] = Fraction of organic biodegraded, as determined in accordance with the requirements of subsection (b)(9)(C) of this Section.

- c) Procedure to determine the maximum organic vapor pressure of a hazardous waste in a tank.

1) An owner or operator shall determine the maximum organic vapor pressure for each hazardous waste placed in a tank using Tank Level 1 controls in accordance with standards specified in Section 725.985(c).

2) An owner or operator shall use either direct measurement, as specified in subsection (c)(3) of this Section, or knowledge of the waste, as specified by subsection (c)(4) of this Section, to determine the maximum organic vapor pressure that is representative of the hazardous waste composition stored or treated in the tank.

3) Direct measurement to determine the maximum organic vapor pressure of a hazardous waste.

A) Sampling. A sufficient number of samples must be collected to be representative of the waste contained in the tank. All samples must be conducted and handled in accordance with written procedures prepared by the owner or operator and documented in a site sampling plan. This plan must describe the procedure by which representative samples of the hazardous waste are collected so that a minimum loss of organics occurs throughout the sample collection and handling process and by which sample integrity is maintained. A copy of the written sampling plan must be maintained on-site in the facility operating records. An example of an acceptable sampling plan includes a plan incorporating sample collection and handling procedures in accordance with the requirements specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication No. SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, or in Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.

B) Analysis. Any appropriate one of the following methods may be used to analyze the samples and compute the maximum organic vapor pressure of the hazardous waste:

- i) Method 25E in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
- ii) Methods described in American Petroleum Institute Publication 2517, incorporated by reference in 35 Ill.

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Adm. Code 720.111;

- iii) Methods obtained from standard reference texts;
- iv) ASTM Method D 2879-92, incorporated by reference in 35 Ill. Adm. Code 720.111; or
- v) Any other method approved by the Agency.

4) Use of knowledge to determine the maximum organic vapor pressure of the hazardous waste. Documentation must be prepared and recorded that presents the information used as the basis for the owner's or operator's knowledge that the maximum organic vapor pressure of the hazardous waste is less than the maximum vapor pressure limit listed in Section 725.985(b)(1)(A) for the applicable tank design capacity category. An example of information that may be used is documentation that the hazardous waste is generated by a process for which at other locations it previously has been determined by direct measurement that the waste maximum organic vapor pressure is less than the maximum vapor pressure limit for the appropriate tank design capacity category.

d) The procedure procedure for determining no detectable organic emissions for the purpose of complying with this Subpart is as follows:

1) The test must be conducted in accordance with the procedures specified in Method 21 of 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111. Each potential leak interface (i.e., a location where organic vapor leakage could occur) on the cover and associated closure devices must be checked. Potential leak interfaces that are associated with covers and closure devices include, but are not limited to, any of the following: the interface of the cover and its foundation mounting, the periphery of any opening on the cover and its associated closure device, and the sealing seat interface on a spring-loaded pressure relief valve.

2) The test must be performed when the unit contains a hazardous waste having an organic concentration representative of the range of concentrations for the hazardous waste expected to be managed in the unit. During the test, the cover and closure devices must be secured in the closed position.

3) The detection instrument must meet the performance criteria of Method 21 of 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, except the instrument response factor criteria in Section 3.1.2(a) of Method 21 must be for the average composition of the organic constituents in the hazardous waste placed in the waste management unit, not for each individual organic constituent.

4) The detection instrument must be calibrated before use on each day of its use by the procedures specified in Method 21 of 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.

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- 5) Calibration gases must be as follows:
- Zero air (less than 10 ppmv hydrocarbon in air), and
  - A mixture of methane or n-hexane in air at a concentration of approximately, but less than, 10,000 ppmv methane or n-hexane.
- 6) The background level must be determined according to the procedures in Method 21 of 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
- 7) Each potential leak interface must be checked by traversing the instrument probe around the potential leak interface as close to the interface as possible, as described in Method 21 of 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111. In the case when the configuration of the cover or closure device prevents a complete traverse of the interface, all accessible portions of the interface must be sampled. In the case when the configuration of the closure device prevents any sampling at the interface and the device is equipped with an enclosed extension or horn (e.g., some pressure relief devices), the instrument probe inlet must be placed at approximately the center of the exhaust area to the atmosphere.
- 8) The arithmetic difference between the maximum organic concentration indicated by the instrument and the background level must be compared with the value of 500 ppmv except when monitoring a seal around a rotating shaft that passes through a cover opening, in which case the comparison must be as specified in subsection (d)(9) of this Section. If the difference is less than 500 ppmv, then the potential leak interface is determined to operate with no detectable organic emissions.
- 9) For the seals around a rotating shaft that passes through a cover opening, the arithmetic difference between the maximum organic concentration indicated by the instrument and the background level must be compared with the value of 10,000 ppmv. If the difference is less than 10,000 ppmv, then the potential leak interface is determined to operate with no detectable organic emissions.

(Source: Amended at 24 Ill. Reg. 9575 effective June 20, 2000)

## Section 725.987 Standards: Containers

- The provisions of this Section apply to the control of air pollutant emissions from containers for which Section 725.983(b) references the use of this Section for such air emission control.
- General requirements.
  - The owner or operator shall control air pollutant emissions from each container subject to this Section in accordance with the following requirements, as applicable to the container, except when the special provisions for waste stabilization processes

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- specified in subsection (b)(2) of this Section apply to the container.
- For a container having a design capacity greater than 0.1 m<sup>3</sup> (26 gal) and less than or equal to 0.46 m<sup>3</sup> (120 gal), the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 1 standards specified in subsection (c) of this Section.
  - For a container having a design capacity greater than 0.46 m<sup>3</sup> (120 gal) that is not in light material service, the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 1 standards specified in subsection (c) of this Section.
  - For a container having a design capacity greater than 0.46 m<sup>3</sup> (120 gal) that is in light material service, the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 2 standards specified in subsection (d) of this Section.
  - When a container having a design capacity greater than 0.1 m<sup>3</sup> (26 gal) is used for treatment of a hazardous waste by a waste stabilization process, the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 3 standards specified in subsection (e) of this Section at those times during the waste stabilization process when the hazardous waste in the container is exposed to the atmosphere.
- c) Container Level 1 standards.
- A container using Container Level 1 controls is one of the following:
    - A container that meets the applicable USDOT regulations on packaging hazardous materials for transportation, as specified in subsection (f) of this Section.
    - A container equipped with a cover and closure devices that form a continuous barrier over the container openings so that when the cover and closure devices are secured in the closed position there are no visible holes, gaps, or other open spaces into the interior of the container. The cover may be a separate cover installed on the container (e.g., a lid on a drum or a suitably secured tarp on a roll-off box) or may be an integral part of the container structural design (e.g., a "portable tank" or bulk cargo container equipped with a screw-type cap).
    - An open-top container in which an organic-vapor suppressing barrier is placed on or over the hazardous waste in the container so that no hazardous waste is exposed to the atmosphere. One example of such a barrier is application of a suitable organic-vapor suppressing foam.
  - A container used to meet the requirements of subsection (c)(1)(B) or (c)(1)(C) of this Section must be equipped with covers and

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closure devices, as applicable to the container, that are composed of suitable materials to minimize exposure of hazardous waste to the atmosphere and to maintain the integrity for as long as it is in service. Factors to be considered in selecting the materials of construction and designing the cover and closure devices must include the following: the organic vapor permeability; the effects of contact with the hazardous waste or its vapor managed in the container; the effects of outdoor exposure of the closure device or cover material to wind, moisture, and sunlight; and the operating practices for which the container is intended to be used.

3) Whenever a hazardous waste is in a container using Container Level 1 controls, the owner or operator shall install all covers and closure devices for the container, as applicable to the container, and secure and maintain each closure device in the closed position except as follows:

A) Opening of a closure device or cover is allowed for the purpose of adding hazardous waste or other material to the container as follows:

i) In the case when the container is filled to the intended final level in one continuous operation, the owner or operator shall promptly secure the closure devices in the closed position and install the covers, as applicable to the container, upon conclusion of the filling operation.

ii) In the case when discrete quantities or batches of material intermittently are added to the container over a period of time, the owner or operator shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon either the container being filled to the intended final level; the completion of a batch loading after which no additional material will be added to the container within 15 minutes; the person performing the loading operation leaving the immediate vicinity of the container; or the shutdown of the process generating the material being added to the container, whichever condition occurs first.

B) Opening of a closure device or cover is allowed for the purpose of removing hazardous waste from the container as follows:

i) For the purpose of meeting the requirements of this Section, an empty container, as defined in 35 Ill. Adm. Code 721.107(b), may be open to the atmosphere at any time (i.e., covers and closure devices are not required to be secured in the closed position on an empty container).

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ii) In the case when discrete quantities or batches of material are removed from the container but the container does not meet the conditions to be an empty container, as defined in 35 Ill. Adm. Code 721.107(b), the owner or operator shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon the completion of a batch removal after which no additional material will be removed from the container within 15 minutes or the person performing the unloading operation leaves the immediate vicinity of the container, whichever condition occurs first.

C) Opening of a closure device or cover is allowed when access inside the container is needed to perform routine activities other than transfer of hazardous waste. Examples of such activities include those times when a worker needs to open a port to measure the depth of or sample the material in the container, or when a worker needs to open a manhole hatch to access equipment inside the container. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable to the container.

D) Opening of a spring-loaded, pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device that vents to the atmosphere is allowed during normal operations for the purpose of maintaining the container internal pressure in accordance with the design specifications of the container. The device must be designed to operate with no detectable organic emissions when the device is secured in the closed position. The settings at which the device opens must be established so that the device remains in the closed position whenever the internal pressure of the container is within the internal pressure operating range determined by the owner or operator based on container manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the internal pressure of the container exceeds the internal pressure operating range for the container as a result of loading operations or diurnal ambient temperature fluctuations.

E) Opening of a safety device, as defined in Section 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

4) The owner or operator of containers using Container Level 1



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controls must inspect the containers and their covers and closure devices as follows:

- A) In the case when a hazardous waste already is in the container at the time the owner or operator first accepts possession of the container at the facility and the container is not emptied within 24 hours after the container is accepted at the facility (i.e., it does not meet the conditions for an empty container as specified in 35 Ill. Adm. Code 721.107(b)), the owner or operator shall visually inspect the container and its cover and closure devices to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. The container visual inspection must be conducted on or before the date on which the container is accepted at the facility (i.e., the date when the container becomes subject to the Subpart CC container standards). For the purposes of this requirement, the date of acceptance is the date of signature that the facility owner or operator enters on Item 20 of the Uniform Hazardous Waste Manifest incorporated by reference in 35 Ill. Adm. Code 722.Appendix A (USEPA Forms 8700-22 and 8700-22A), as required under Section 725.171. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (c)(4)(C) of this Section.
- B) In the case when a container used for managing hazardous waste remains at the facility for a period of one year or more, the owner or operator shall visually inspect the container and its cover and closure devices initially and thereafter, at least once every 12 months, to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (c)(4)(C) of this Section.
- C) When a defect is detected in the container, cover, or closure devices, the owner or operator shall make first efforts at repair of the defect no later than 24 hours after detection, and repair must be completed as soon as possible but no later than five calendar days after detection. If repair of a defect cannot be completed within five calendar days, then the hazardous waste must be removed from the container and the container must not be used to manage hazardous waste until the defect is repaired.
- 5) The owner or operator shall maintain at the facility a copy of the procedure used to determine that containers with capacity of 0.46 m(3) (120 gal) or greater, which do not meet applicable

USDOT regulations as specified in subsection (f) of this Section, are not managing hazardous waste in light material service.

- d) Container using Container Level 2 controls is one of the following:
  - A) A container that meets the applicable USDOT regulations on packaging hazardous materials for transportation as specified in subsection (f) of this Section.
  - B) A container that operates with no detectable organic emissions, as defined in Section 725.981, and determined in accordance with the procedure specified in subsection (g) of this Section.
  - C) A container that has been demonstrated within the preceding 12 months to be vapor-tight by using 40 CFR 60, appendix A, Method 27, incorporated by reference in 35 Ill. Adm. Code 720.111, in accordance with the procedure specified in subsection (h) of this Section.
- 2) Transfer of hazardous waste into in or out of a container using Container Level 2 controls must be conducted in such a manner as to minimize exposure of the hazardous waste to the atmosphere, to the extent practical, considering the physical properties of the hazardous waste and good engineering and safety practices for handling flammable, ignitable, explosive, reactive or other hazardous materials. Examples of container loading procedures that the USEPA considers to meet the requirements of this subsection (d)(2) include using any one of the following: a submerged-fill pipe or other submerged-fill method to load liquids into the container; a vapor-balancing system or a vapor-recovery system to collect and control the vapors displaced from the container during filling operations; or a fitted opening in the top of a container through which the hazardous waste is filled and subsequently purging the transfer line before removing it from the container opening.
- 3) Whenever a hazardous waste is in a container using Container Level 2 controls, the owner or operator shall install all covers and closure devices for the container, and secure and maintain each closure device in the closed position, except as follows:
  - A) Opening of a closure device or cover is allowed for the purpose of adding hazardous waste or other material to the container as follows:
    - i) In the case when the container is filled to the intended final level in one continuous operation, the owner or operator shall promptly secure the closure devices in the closed position and install the covers, as applicable to the container, upon conclusion of the filling operation.
    - ii) In the case when discrete quantities or batches of material intermittently are added to the container

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over a period of time, the owner or operator shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon either the container being filled to the intended final level; the completion of a batch loading after which no additional material will be added to the container within 15 minutes; the person performing the loading operation leaving the immediate vicinity of the container; or the shutdown of the process generating the material being added to the container, whichever condition occurs first.

B) Opening of a closure device or cover is allowed for the purpose of removing hazardous waste from the container as follows:

- i) For the purpose of meeting the requirements of this Section, an empty container, as defined in 35 Ill. Adm. Code 721.107(b), may be open to the atmosphere at any time (i.e., covers and closure devices are not required to be secured in the closed position on an empty container).
- ii) In the case when discrete quantities or batches of material are removed from the container but the container does not meet the conditions to be an empty container as defined in 35 Ill. Adm. Code 721.107(b), the owner or operator shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon the completion of a batch removal after which no additional material will be removed from the container within 15 minutes or the person performing the unloading operation leaves the immediate vicinity of the container, whichever condition occurs first.
- C) Opening of a closure device or cover is allowed when access inside the container is needed to perform routine activities other than transfer of hazardous waste. Examples of such activities include those times when a worker needs to open a port to measure the depth of or sample the material in the container, or when a worker needs to open a manhole hatch to access equipment inside the container. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable to the container.
- D) Opening of a spring-loaded, pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device that vents to the atmosphere is allowed during normal operations for the purpose of maintaining the internal pressure of the container in accordance with the container design specifications. The device must be designed to

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operate with no detectable organic emission when the device is secured in the closed position. The settings at which the device opens must be established so that the device remains in the closed position whenever the internal pressure of the container is within the internal pressure operating range determined by the owner or operator based on container manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the internal pressure of the container exceeds the internal pressure operating range for the container as a result of loading operations or diurnal ambient temperature fluctuations.

E) Opening of a safety device, as defined in Section 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

4) The owner or operator of containers using Container Level 2 controls shall inspect the containers and their covers and closure devices as follows:

A) In the case when a hazardous waste already is in the container at the time the owner or operator first accepts possession of the container at the facility and the container is not emptied within 24 hours after the container is accepted at the facility (i.e., it does not meet the conditions for an empty container as specified in 35 Ill. Adm. Code 721.107(b)), the owner or operator shall visually inspect the container and its cover and closure devices to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. The container visual inspection must be conducted on or before the date on which the container is accepted at the facility (i.e., the date when the container becomes subject to the Subpart CC container standards). For the purposes of this requirement, the date of acceptance is the date of signature that the facility owner or operator enters on Item 20 of the Uniform Hazardous Waste Manifest incorporated by reference in 35 Ill. Adm. Code 722. Appendix A (USEPA Forms 8700-22 and 8700-22A), as required under Section 725.171. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (d)(4)(C) of this Section.

B) In the case when a container used for managing hazardous waste remains at the facility for a period of one year or more, the owner or operator shall visually inspect the

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container and its cover and closure devices initially and thereafter, at least once every 12 months, to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (d)(4)(C) of this Section.

- C) When a defect is detected in for the container, cover, or closure devices, the owner or operator shall make first efforts at repair of the defect no later than 24 hours after detection, and repair must be completed as soon as possible but no later than five calendar days after detection. If repair of a defect cannot be completed within five calendar days, then the hazardous waste must be removed from the container and the container must not be used to manage hazardous waste until the defect is repaired.

e) Container Level 3 standards.

- 1) A container using Container Level 3 controls is one of the following:

- A) A container that is vented directly through a closed-vent system to a control device in accordance with the requirements of subsection (e)(2)(B) of this Section.
- B) A container that is vented inside an enclosure which is exhausted through a closed-vent system to a control device in accordance with the requirements of subsections (e)(2)(A) and (e)(2)(B) of this Section.
- 2) The owner or operator shall meet the following requirements, as applicable to the type of air emission control equipment selected by the owner or operator:
- A) The container enclosure must be designed and operated in accordance with the criteria for a permanent total enclosure as specified in "Procedure T-Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, appendix B, incorporated by reference in 35 Ill. Adm. Code 720.111. The enclosure may have permanent or temporary openings to allow worker access; passage of containers through the enclosure by conveyor or other mechanical means; entry of permanent mechanical or electrical equipment; or direct airflow into the enclosure. The owner or operator shall perform the verification procedure for the enclosure as specified in Section 5.0 to "Procedure T-Criteria for and Verification of a Permanent or Temporary Total Enclosure" initially when the enclosure is first installed and, thereafter, annually.
- B) The closed-vent system and control device must be designed and operated in accordance with the requirements of Section 725.988.

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- 3) Safety devices, as defined in Section 725.981, may be installed and operated as necessary on any container, enclosure, closed-vent system, or control device used to comply with the requirements of subsection (e)(1) of this Section.

- 4) Owners and operators using Container Level 3 controls in accordance with the provisions of this Subpart shall inspect and monitor the closed-vent systems and control devices, as specified in Section 725.988.

- 5) Owners and operators that use Container Level 3 controls in accordance with the provisions of this Subpart shall prepare and maintain the records specified in Section 725.990(d).

- 6) The transfer of hazardous waste into or out of a container using Container Level 3 controls must be conducted in such a manner as to minimize exposure of the hazardous waste to the atmosphere, to the extent practical considering the physical properties of the hazardous waste and good engineering and safety practices for handling flammable, ignitable, explosive, reactive, or other hazardous materials. Examples of container loading procedures that USEPA considers to meet the requirements of this subsection (e)(6) include using any one of the following: the use of a submerged-fill pipe or other submerged-fill method to load liquids into the container; the use of a vapor-balancing system or a vapor-recovery system to collect and control the vapors displaced from the container during filling operations; or the use of a fitted opening in the top of a container through which the hazardous waste is filled and subsequently purging the transfer line before removing it from the container opening.

- f) For the purpose of compliance with subsection (c)(1)(A) or (d)(1)(A) of this Section, containers must be used that meet the applicable USDOT regulations on packaging hazardous materials for transportation as follows:

- 1) The container meets the applicable requirements specified in 49 CFR 178, "Specifications for Packaging", or 49 CFR 179, "Specifications for Tank Cars", both incorporated by reference in 35 Ill. Adm. Code 720.111.
- 2) Hazardous waste is managed in the container in accordance with the applicable requirements specified in 49 CFR 107, subpart B, "Exemptions"; 49 CFR 172, "Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements"; 49 CFR 173, "Shippers-General Requirements for Shipments and Packages"; and 49 CFR 180, "Continuing Qualification and Maintenance of Packagings", each incorporated by reference in 35 Ill. Adm. Code 720.111.
- 3) For the purpose of complying with this Subpart, no exceptions to the 49 CFR 178 or 179 regulations are allowed, except as provided for in subsection (f)(4) of this Section.
- 4) For a lab pack that is managed in accordance with the

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requirements of 49 CFR 178 for the purpose of complying with this Subpart, an owner or operator may comply with the exceptions for combination packagings specified in 49 CFR 173.12(b), incorporated by reference in 35 Ill. Adm. Code 720.111.

- g) To determine compliance with the no detectable organic emissions requirements of subsection (d)(1)(B) of this Section, the procedure specified in Section 725.984(d) must be used.

- 1) Each potential leak interface (i.e., a location where organic vapor leakage could occur) on the container, its cover, and associated closure devices, as applicable to the container, must be checked. Potential leak interfaces that are associated with containers include, but are not limited to: the interface of the cover rim and the container wall; the periphery of any opening on the container or container cover and its associated closure device; and the sealing seat interface on a spring-loaded pressure-relief valve.

- 2) The test must be performed when the container is filled with a material having a volatile organic concentration representative of the range of volatile organic concentrations for the hazardous wastes expected to be managed in this type of container. During the test, the container cover and closure devices must be secured in the closed position.

- h) The procedure for determining a container to be vapor-tight using Method 27 of 40 CFR 60, appendix A for the purpose of complying with subsection (d)(1)(C) of this Section is as follows:

- 1) The test must be performed in accordance with Method 27 of 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
- 2) A pressure measurement device must be used that has a precision of  $\pm 2.5$  mm (0.10 inch) water and that is capable of measuring above the pressure at which the container is to be tested for vapor tightness.
- 3) If the test results determined by Method 27 indicate that the container sustains a pressure change less than or equal to 750 Pascals (0.11 psig) within five minutes after it is pressurized to a minimum of 4,500 Pascals (0.65 psig), then the container is determined to be vapor-tight.

(Source: Amended at 24 Ill. Reg. 9575, effective June 20, 2000)

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- 1) Heading of the Part: Land Disposal Restrictions

- 2) Code citation: 35 Ill. Adm. Code 728

- 3) Section Numbers: Proposed Action:

728.101	Amend
728.102	Amend
728.107	Amend
728.109	Amend
728.133	Amend
728.140	Amend
728.149	Amend
728-Table T	Amend
728-Table U	Amend

- 4) Statutory authority: 415 ILCS 5/7.2, 22.4, and 27.

- 5) Effective date of amendments: June 20, 2000

- 6) Does this rulemaking contain an automatic repeal date?: No

- 7) Do these amendments contain incorporations by reference? Yes. The existing text of Part 728 includes incorporations by reference, 35 Ill. Adm. Code 720.111 is the central listing of documents incorporated by reference for the purposes of the Illinois hazardous waste and underground injection control regulations. The present amendments include, at Section 728.140(1), an update to the version of 40 CFR 268.41 incorporated by reference in 35 Ill. Adm. Code 720.111. Numerous other incorporations remain unaffected by the present amendments.

- 8) Statement of availability: The adopted amendments, a copy of the Board's opinion and order adopted May 18, 2000, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.

- 9) Notice of proposal published in Illinois Register: March 24, 2000, 24 Ill. Reg. 4529

- 10) Has JCAR issued a Statement of Objections to these amendments? No. Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking was not subject to Section 5-35 of the APA, it was not subject to First Notice or Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 11) Differences between proposal and final version: The following table summarizes the differences between the amendments proposed by the Board in

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an opinion and order dated March 2, 2000, in docket R00-13, and the amendments adopted on May 18, 2000. Many of the differences are explained in greater detail in the Board's opinion and order of May 18, 2000.

Section Revised	Source(s)	Revision(s)	Removed the parentheses from the plural "groups"
728.109(d)(1)(B)	Board	Board	
728. Table of Contents	Board	Board	Marked Section 728.133 as repealed as a segment of the March 17, 2000 federal amendments; corrected "HTMR" in the heading for Table G
728.133	Board	Board	Repealed as a segment of the March 17, 2000 federal amendments
728. Table T "R027"	JCAR	JCAR	Deleted the unnecessary article "the"
728. Table T "K140"	Board	Board	Deleted as a segment of the March 17, 2000 federal amendments
728. Table T "K142"	JCAR	JCAR	Corrected the spelling of "indeno(1,2,3-cd)pyrene"
728. Table T "K171"	JCAR	JCAR	Corrected "mg/L" to "mg/l" (three times)
728. Table T "K172"	JCAR	JCAR	Corrected "mg/L" to "mg/l" (four times)
728. Table T "U408"	Board	Board	Deleted as a segment of the March 17, 2000 federal amendments
728. Table T Board note	Board	Board	Added a reference to the March 17, 2000 federal amendments to update the CFR reference

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|--|-------|--|
| 728. Table U<br>"2,4,6-tribromophenol" | Board | Deleted as a segment of the March 17, 2000 federal amendments                          |
| 728. Table T Board note                | Board | Added a reference to the March 17, 2000 federal amendments to update the CFR reference |
- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.
- 13) Will these amendments replace emergency amendments currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and purpose of amendments: A more detailed description is contained in the Board's opinion and order of May 18, 2000, adopting amendments in docket R00-13, which opinion and order is available from the address below. As is explained in that opinion, the Board delayed filing the adopted amendments for 30 days from the date the Board voted to adopt them in order to allow the United States Environmental Protection Agency (USEPA) an opportunity to comment on the amendments before they became effective.
- This proceeding updates the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the update period of July 1, 1999, through December 31, 1999. Please refer to the corresponding segment of the questionnaire in the Notice of Adopted Amendments for 35 Ill. Adm. Code 720 that appears elsewhere in this issue of the *Illinois Register*. That Notice includes a detailed outline of the federal actions involved in the broader proceeding of which the amendments to Part 728 are a single segment.
- Specifically, the amendments to Part 728 implement segments of the federal July 6, 1999 designation of lamps as universal waste, the October 20, 1999 corrections to the Phase IV LDRA, and the March 17, 2000 withdrawal of the organobromide waste listings and LDRA.
- Section 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS



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100/5-35] does not apply to this rulemaking. Because this rulemaking was not subject to Section 5-35 of the APA, it was not subject to First Notice or to Second Notice review by JCAR.

16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge  
Attorney  
Illinois Pollution Control Board  
100 W. Randolph 11-500  
Chicago, IL 60601  
312-814-6924

Request copies of the Board's opinion and order of May 18, 2000, from Patricia Jones, at 312-814-3620. Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at <http://www.ipcb.state.il.us>.

The full text of the adopted amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE G: WASTE DISPOSAL  
CHAPTER I: POLLUTION CONTROL BOARD  
SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

## PART 728

## LAND DISPOSAL RESTRICTIONS

## SUBPART A: GENERAL

Section	Purpose, Scope, and Applicability
728.101	Definitions
728.102	Dilution Prohibited as a Substitute for Treatment
728.103	Treatment Surface Impoundment Exemption
728.104	Procedures for case-by-case Extensions to an Effective Date
728.105	Petitions to Allow Land Disposal of a Waste Prohibited under Subpart C
728.106	Testing, Tracking, and Recordkeeping Requirements for Generators, Treaters, and Disposal Facilities
728.107	Landfill and Surface Impoundment Disposal Restrictions (Repealed)
728.108	Special Rules for Characteristic Wastes
728.109	

SUBPART B: SCHEDULE FOR LAND DISPOSAL PROHIBITION AND ESTABLISHMENT OF TREATMENT STANDARDS

Section	
728.110	First Third (Repealed)
728.111	Second Third (Repealed)
728.112	Third Third (Repealed)
728.113	Newly Listed Wastes
728.114	Surface Impoundment exemptions

## SUBPART C: PROHIBITION ON LAND DISPOSAL

Section	
728.130	Waste Specific Prohibitions -- Wood Preserving Wastes
728.131	Waste Specific Prohibitions -- Dioxin-Containing Wastes
728.132	Waste Specific Prohibitions -- California List Wastes (Repealed)
728.133	Waste -- Specific Prohibitions -- Organobromine Wastes (Repealed)
728.134	Waste -- Specific Prohibitions -- Toxicity Characteristic Metal Wastes
728.135	Waste -- Specific Prohibitions -- Petroleum Refining Wastes
728.136	Waste Specific Prohibitions -- Newly Listed Wastes (Repealed)
728.137	Waste Specific Prohibitions -- Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated
728.138	Waste-Specific Prohibitions: Newly-Identified Organic Toxicity Characteristic Wastes and Newly-Listed Coke By-Product and Chlorotoluene Production Wastes

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728.139 Waste-Specific Prohibitions: Spent Aluminum Potliners and Carbamate Wastes

## SUBPART D: TREATMENT STANDARDS

Section  
728.140 Applicability of Treatment Standards  
728.141 Treatment Standards Expressed as Concentrations in Waste Extract  
728.142 Treatment Standards Expressed as Specified Technologies  
728.143 Treatment Standards Expressed as Waste Concentrations  
728.144 Adjustment of Treatment Standard  
728.145 Treatment Standards for Hazardous Debris  
728.146 Alternative Treatment Standards Based on HWHR  
728.147 Universal Treatment Standards  
728.148 Alternative LDR Treatment Standards for Contaminated Soil

## SUBPART E: PROHIBITIONS ON STORAGE

Section  
728.150 Prohibitions on Storage of Restricted Wastes

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AUTHORITY: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4 and 27].

SOURCE: Adopted in R87-5 at 11 Ill. Reg. 19354, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13046, effective July 29, 1988; amended in R89-13 at 13 Ill. Reg. 18403, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 6232, effective April 16, 1990; amended in R90-2 at 14 Ill. Reg. 14470, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16508, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9462, effective June 17, 1991; amended in R90-11 at 15 Ill. Reg. 11937, effective August 12, 1991; amendment withdrawn at 15 Ill. Reg. 14716, October 11, 1991; amended in R91-13 at 16 Ill. Reg. 9619, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5727, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20692, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 17563, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12203, effective July 29, 1994; amended in R95-6 at 19 Ill. Reg. 9660, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11100, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 783, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7685, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17706, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1964, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9204, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. ~~9623~~ effective June 20, 2000.

## SUBPART A: GENERAL

## Section 728.101 Purpose, Scope, and Applicability

- a) This Part identifies hazardous wastes that are restricted from land disposal and defines those limited circumstances under which otherwise prohibited waste may continue to be land disposed.
- b) Except as specifically provided otherwise in this Part or 35 Ill. Adm. Code 721, the requirements of this Part apply to persons that generate or transport hazardous waste and to owners and operators of hazardous waste treatment, storage, and disposal facilities.
- c) Restricted wastes may continue to be land disposed as follows:
  - 1) Where persons have been granted an extension to the effective date of a prohibition under Subpart C or pursuant to Section 728.105, with respect to those wastes covered by the extension;
  - 2) Where persons have been granted an exemption from a prohibition pursuant to a petition under Section 728.106, with respect to those wastes and units covered by the petition;
  - 3) A waste that is hazardous only because it exhibits a characteristic of hazardous waste and that is otherwise prohibited under this Part is not prohibited if the waste:
    - A) is disposed into a nonhazardous or hazardous waste injection well, as defined in 35 Ill. Adm. Code 704.106(a); and

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B) Does not exhibit any prohibited characteristic of hazardous waste identified in 35 Ill. Adm. Code 721.Subpart C at the point of injection.

4) A waste that is hazardous only because it exhibits a characteristic of hazardous waste and which is otherwise prohibited under this Part is not prohibited if the waste meets any of the following criteria, unless the waste is subject to a specified method of treatment other than DEACT in Section 728.140 or is D003 reactive cyanide:

A) Any of the following is true of either treatment or management of the waste:

i) The waste is managed in a treatment system which subsequently discharges to waters of the United States 40-CFR pursuant to a permit issued under 35 Ill. Adm. Code 309; or

ii) The waste is treated for purposes of the pretreatment requirements of 35 Ill. Adm. Code 307 and 310; or

iii) The waste is managed in a zero discharge system, as defined in Section 728.137(a); and

B) The waste no longer exhibits a prohibited characteristic of hazardous waste at the point of land disposal (i.e., placement in a surface impoundment).

d) This Part does not affect the availability of a waiver under Section 121(d)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) (42 USC 9601 et seq.).

e) The following hazardous wastes are not subject to any provision of this Part:

1) Waste generated by small quantity generators of less than 100 kg of non-acute hazardous waste or less than 1 kg of acute hazardous waste per month, as defined in 35 Ill. Adm. Code 721.105;

2) Waste pesticide that a farmer disposes of pursuant to 35 Ill. Adm. Code 722.170;

3) Waste identified or listed as hazardous after November 8, 1984, for which USEPA has not promulgated a land disposal prohibition or treatment standard; or

4) De minimis losses of waste that exhibits a characteristic of hazardous waste to wastewaters are not considered to be prohibited waste and are defined as losses from normal material handling operations (e.g., spills from the unloading or transfer of materials from bins or other containers or leaks from pipes, valves, or other devices used to transfer materials); minor leaks of process equipment, storage tanks, or containers; leaks from well-maintained pump packings and seals; sample purgings; relief device discharges; discharges from safety showers and rinsing and cleaning of personal safety equipment; rinseate from empty containers or from containers that are rendered empty by that

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rinsing; and laboratory waste that does not exceed one percent of the total flow of wastewater into the facility's headworks on an annual basis, or with a combined annualized average concentration not exceeding one part per million (ppm) in the headworks of the facility's wastewater treatment or pretreatment facility; or

5) Land disposal prohibitions for hazardous characteristic wastes do not apply to laboratory wastes displaying the characteristic of ignitability (D001), corrosivity (D002), or organic toxicity (D012) through D043 that are mixed with other plant wastewaters at facilities whose ultimate discharge is subject to regulation under the CWA (including wastewaters at facilities that have eliminated the discharge of wastewater), provided that the annualized flow of laboratory wastewater into the facility's headworks does not exceed one percent or that the laboratory wastes' combined annualized average concentration does not exceed one part per million in the facility's headworks.

f) A universal waste handler or universal waste transporter (as defined in 35 Ill. Adm. Code 720.110) is exempt from Sections 728.107 and 728.150 for the hazardous wastes listed below. Such a handler or transporter is subject to regulation under 35 Ill. Adm. Code 733.102:

1) Batteries, as described in 35 Ill. Adm. Code 733.103;

2) Pesticides, as described in 35 Ill. Adm. Code 733.104;

3) Thermostats, as described in 35 Ill. Adm. Code 733.104; and

4) Lamps Mercury-containing lamps, as described in 35 Ill. Adm. Code 733.105 733.107.

80489-N075--SubSection-(f)(4)-of-this-Section-was-added-pursuant-to-Section-22-23a-of-the-ACT--(415--5165--5/22-23a)--(see-P-A-98-562-effective-August-1997)

g) This Part is cumulative with the land disposal restrictions of 35 Ill. Adm. Code 729. The Environmental Protection Agency (Agency) shall not issue a wastewater authorization pursuant to 35 Ill. Adm. Code 709 or Section 22.6 or 39(b) of the Environmental Protection Act [415 ILCS 5/22.6 or 39(h)] unless the waste meets the requirements of this Part as well as 35 Ill. Adm. Code 729.

(Source: Amended at 24 Ill. Reg. 9623, effective June 20, 2000)

## Section 728.102 Definitions

When used in this Part, the following terms have the meanings given below. All other terms have the meanings given under 35 Ill. Adm. Code 702.110, 720.110, or 721.102 through 721.104.

"Agency" means the Illinois Environmental Protection Agency.

"Board" means the Illinois Pollution Control Board.

"CERCLA" means the Comprehensive Environmental Response,

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Compensation, and Liability Act of 1980 (42 USC 9601 et seq.)

"Debris" means solid material exceeding a 60 mm particle size that is intended for disposal and that is: a manufactured object; plant or animal matter; or natural geologic material. However, the following materials are not debris: any material for which a specific treatment standard is provided in Subpart D of this Part, namely lead acid batteries, cadmium batteries, and radioactive lead solids; process residuals, such as smelter slag and residues from the treatment of waste, wastewater, sludges, or air emission residues; and intact containers of hazardous waste that are not ruptured and that retain at least 75% of their original volume. A mixture of debris that has not been treated to the standards provided by Section 728.145 of this Part and other material is subject to regulation as debris if the mixture is comprised primarily of debris, by volume, based on visual inspection.

"End-of-pipe" refers to the point where effluent is discharged to the environment.

"Halogenated organic compounds" or "HOCs" means those compounds having a carbon-halogen bond that are listed under Appendix C of this Part.

"Hazardous constituent or constituents" means those constituents listed in 35 Ill. Adm. Code 721.Appendix H.

"Hazardous debris" means debris that contains a hazardous waste listed in 35 Ill. Adm. Code 721.Subpart D or that exhibits a characteristic of hazardous waste identified in 35 Ill. Adm. Code 721.Subpart C. Any deliberate mixing of prohibited waste with debris that changes its treatment classification (i.e., from waste to hazardous debris) is not allowed under the dilution prohibition in Section 728.103.

"Inorganic metal-bearing waste" is one for which USEPA has established treatment standards for metal hazardous constituents that does not otherwise contain significant organic or cyanide content, as described in Section 728.103(b)(1), and which is specifically listed in Appendix K of this Part.

"Land disposal" means placement in or on the land, except in a corrective action management unit or staging pile, and "land disposal" includes, but is not limited to, placement in a landfill, surface impoundment, waste pile, injection well, land treatment facility, salt dome formation, salt bed formation, underground mine or cave, or placement in a concrete vault or

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bunker intended for disposal purposes.

"Nonwastewaters" are wastes that do not meet the criteria for "wastewaters" in this Section.

"Polychlorinated biphenyls" or "PCBs" are halogenated organic compounds defined in accordance with 40 CFR 761.3, incorporated by reference in 35 Ill. Adm. Code 720.111.

"ppm" means parts per million.

"RCRA corrective action" means corrective action taken under 35 Ill. Adm. Code 724.200 or 725.193, 40 CFR 264.100 or 265.93 (1996), or similar regulations in other states ~~States~~ with RCRA programs authorized by USEPA pursuant to 40 CFR 271 (1996).

"Soil" means unconsolidated earth material composing the superficial geologic strata (material overlying bedrock), consisting of clay, silt, sand, or gravel size particles, as classified by the United States ~~U.S.~~ Natural Resources Conservation Service, or a mixture of such materials with liquids, sludges, or solids that is inseparable by simple mechanical removal, processes and which is made up primarily of soil by volume based on visual inspection. Any deliberate mixing of prohibited waste with debris that changes its treatment classification (i.e., from waste to hazardous debris) is not allowed under the dilution prohibition in Section 728.103.

"Stormwater impoundments" are surface impoundments that receive wet weather flow and which receive process waste only during wet weather events.

"Underlying hazardous constituent" means any constituent listed in Table U of this Part, "Universal Treatment Standards (UTS)", except fluoride, selenium, sulfides, vanadium, and zinc, that can reasonably be expected to be present at the point of generation of the hazardous waste at a concentration above the constituent-specific UTS treatment standard.

"USEPA" or "U.S. EPA" means the United States Environmental Protection Agency.

"Wastewaters" are wastes that contain less than 1 percent by weight total organic carbon (TOC) and less than 1 percent by weight total suspended solids (TSS).

(Source: Amended at 24 Ill. Reg. 9623 ~~—~~, effective June 20, 2000)

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**Section 728.107 Testing, Tracking, and Recordkeeping Requirements for Generators, Treaters, and Disposal Facilities****a) Requirements for generators:**

1) A generator of a hazardous waste shall determine if the waste has to be treated before it can be land disposed. This is done by determining if the hazardous waste meets the treatment standards in Section 728.140, 728.145, or 728.149. This determination can be made in either of two ways: testing the waste or using knowledge of the waste. If the generator tests the waste, testing determines the total concentration of hazardous constituents or the concentration of hazardous constituents in an extract of the waste obtained using SW-846 Method 1311 (the Toxicity Characteristic Leaching Procedure), incorporated by reference in 35 Ill. Adm. Code 720.111, depending on whether the treatment standard for the waste is expressed as a total concentration or concentration of hazardous constituent in the wastes extract. In addition, some hazardous wastes must be treated by particular treatment methods before they can be land disposed and some soils are contaminated by such hazardous wastes. These treatment standards are also found in Section 728.140 and Table T of this Part, and are described in detail in Table C of this Part. These wastes and soils contaminated with such wastes do not need to be tested (however, if they are in a waste mixture, other wastes with concentration level treatment standards must be tested). If a generator determines that it is managing a waste or soil contaminated with a waste that displays a hazardous characteristic of ignitability, corrosivity, reactivity, or toxicity, the generator shall comply with the special requirements of Section 728.109 in addition to any applicable requirements in this Section.

2) If the waste or contaminated soil does not meet the treatment standard, the generator shall send a one-time written notice to each treatment or storage facility receiving the waste with the initial shipment of waste to each treatment or storage facility, and the generator shall place a copy of the one-time notice in the file. The notice must include the information in column "728.107(a)(2)" of the Generator Paperwork Requirements Table in Table I of this Part. No further notification is necessary until such time that the waste or facility changes, in which case a new notification must be sent and a copy placed in the generator's file.

A) For contaminated soil, the following certification statement: should be included, signed by an authorized representative:

I certify under penalty of law that I personally have examined this contaminated soil and it (does/does not) contain listed hazardous waste and (does/does not)

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exhibit a characteristic of hazardous waste and requires treatment to meet the soil treatment standards as provided by 35 Ill. Adm. Code 728.149(c).

B) This subsection (a)(2)(B) corresponds with 40 CFR 268.7(a)(2)(ii), which is marked "reserved" by USEPA. This statement maintains structural consistency with USEPA rules. 3) If the waste or contaminated soil meets the treatment standard at the original point of generation:

A) With the initial shipment of waste to each treatment, storage, or disposal facility, the generator shall send a one-time written notice to each treatment, storage, or disposal facility receiving the waste, and place a copy in its own file. The notice must include the information indicated in column "728.107(a)(3)" of the Generator Paperwork Requirements Table in Table I of this Part and the following certification statement, signed by an authorized representative:

I certify under penalty of law that I personally have examined and am familiar with the waste through analysis and testing or through knowledge of the waste to support this certification that the waste complies with the treatment standards specified in 35 Ill. Adm. Code 728.107(a)(3). I believe that the information I submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting a false certification, including the possibility of a fine and imprisonment.

B) For contaminated soil, with the initial shipment of wastes to each treatment, storage, or disposal facility, the generator must send a one-time written notice to each facility receiving the waste and place a copy in the file. The notice must include the information in the column headed "(a)(3)" in Table I.

C) If the waste changes, the generator shall send a new notice and certification to the receiving facility and place a copy in its files. A generator of hazardous debris excluded from the definition of hazardous waste under 35 Ill. Adm. Code 721.103(f) is not subject to these requirements.

4) For reporting, tracking and recordkeeping when exceptions allow certain wastes or contaminated soil that do not meet the treatment standards to be land disposed, there are certain exemptions from the requirement that hazardous wastes or contaminated soil meet treatment standards before they can be land disposed. These include, but are not limited to, case-by-case extensions under Section 728.105, disposal in a no-migration unit under Section 728.106, or a national capacity



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variance or case-by-case capacity variance under Subpart C of this Part. If a generator's waste is so exempt, then with the initial shipment of waste, the generator shall send a one-time written notice to each land disposal facility receiving the waste. The notice must include the information indicated in column "728.107(a)(4)" of the Generator Paperwork Requirements Table in Table I of this Part. If the waste changes, the generator shall send a new notice to the receiving facility, and place a copy in its file.

5) If a generator is managing and treating prohibited waste or contaminated soil in tanks, containers, or containment buildings regulated under 35 Ill. Adm. Code 722.134 to meet applicable LOR treatment standards found at Section 728.140, the generator shall develop and follow a written waste analysis plan that describes the procedures it will carry out to comply with the treatment standards. (Generators treating hazardous debris under the alternative treatment standards of Table F of this Part, however, are not subject to these waste analysis requirements.) The plan must be kept on site in the generator's records, and the following requirements must be met:

A) The waste analysis plan must be based on a detailed chemical and physical analysis of a representative sample of the prohibited wastes being treated, and contain all information necessary to treat the wastes in accordance with the requirements of this Part, including the selected testing frequency;

B) Such plan must be kept in the facility's on-site files and made available to inspectors; and

C) Wastes shipped off-site pursuant to this subsection (a)(5) of this Section must comply with the notification requirements of subsection (a)(3) of this Section.

6) If a generator determines that the waste or contaminated soil is restricted based solely on its knowledge of the waste, all supporting data used to make this determination must be retained on-site in the generator's files. If a generator determines that the waste is restricted based on testing this waste or an extract developed using the SW-846 Method 1311 (the Toxicity Characteristic Leaching Procedure), incorporated by reference in 35 Ill. Adm. Code 720.111, and all waste analysis data must be retained on-site in the generator's files.

7) If a generator determines that it is managing a prohibited waste which is excluded from the definition of hazardous or solid waste or which is exempt from Subtitle C regulation under 35 Ill. Adm. Code 721.102 through 721.106 subsequent to the point of generation (including deactivated characteristic hazardous wastes that are managed in wastewater treatment systems subject to the CWA, as specified at 35 Ill. Adm. Code 721.104(a)(2)), that are CWA-equivalent; or that are managed in an underground injection

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well regulated under 35 Ill. Adm. Code 730), the generator shall place a one-time notice stating such generation, subsequent exclusion from the definition of hazardous or solid waste or exemption from RCRA Subtitle C regulation, and the disposition of the waste in the generating facility's on-site file.

8) A generator shall retain a copy of all notices, certifications, waste analysis data, and other documentation produced pursuant to this Section on-site for at least three years from the date that the waste that is the subject of such documentation was last sent to on-site or off-site treatment, storage, or disposal. The three year record retention period is automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Agency. The requirements of this subsection (a)(8) apply to solid wastes even when the hazardous characteristic is removed prior to disposal, or when the waste is excluded from the definition of hazardous or solid waste under 35 Ill. Adm. Code 721.102 through 721.106, or exempted from RCRA Subtitle C regulation, subsequent to the point of generation.

9) If a generator is managing a lab pack containing hazardous wastes and wishes to use the alternative treatment standard for lab packs found at Section 728.142(c), the generator shall fulfill the following conditions:

A) With the initial shipment of waste to a treatment facility, the generator shall submit a notice that provides the information in column "Section 728.107(a)(9)" in the Generator Paperwork Requirements Table of Table I of this Part and the following certification. The certification, which must be signed by an authorized representative and must be placed in the generator's files, must say the following:

I certify under penalty of law that I personally have examined and am familiar with the waste and that the lab pack contains only wastes that have not been excluded under 35 Ill. Adm. Code 728-Appendix D and that this lab pack will be sent to a combustion facility in compliance with the alternative treatment standards for lab packs at 35 Ill. Adm. Code 728.142(c). I am aware that there are significant penalties for submitting a false certification, including the possibility of fine or imprisonment.

B) No further notification is necessary until such time as the wastes in the lab pack change, or the receiving facility changes, in which case a new notice and certification must be sent and a copy placed in the generator's file.

C) If the lab pack contains characteristic hazardous wastes (D001-D043), underlying hazardous constituents (as defined

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- in Section 728.102(i) need not be determined.
- D) The generator shall also comply with the requirements in subsections (a)(6) and (a)(7) of this Section.
- 10) Small quantity generators with tolling agreements pursuant to 35 Ill. Adm. Code 722.120(e) shall comply with the applicable notification and certification requirements of subsection (4) of this Section for the initial shipment of the waste subject to the agreement. Such generators shall retain on-site a copy of the notification and certification, together with the tolling agreement, for at least three years after termination or expiration of the agreement. The three-year record retention period is automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Agency.
- b) The owner or operator of a treatment facility shall test its wastes according to the frequency specified in its waste analysis plan, as required by 35 Ill. Adm. Code 724.113 (for permitted TSDs) or 725.113 (for interim status facilities). Such testing must be performed as provided in subsections (b)(1), (b)(2), and (b)(3) of this Section.
- 1) For wastes or contaminated soil with treatment standards expressed in the waste extract (TCLP), the owner or operator of the treatment facility shall test an extract of the treatment residues using SW-846 Method 1311 (the Toxicity Characteristic Leaching Procedure), incorporated by reference in 35 Ill. Adm. Code 720.111 to assure that the treatment residues extract meets the applicable treatment standards.
- 2) For wastes or contaminated soil with treatment standards expressed as concentrations in the waste, the owner or operator of the treatment facility shall test the treatment residues (not an extract of such residues) to assure that the treatment residues meet the applicable treatment standards.
- 3) A one-time notice must be sent with the initial shipment of waste or contaminated soil to the land disposal facility. A copy of the notice must be placed in the treatment facility's file.
- A) No further notification is necessary until such time that the waste or receiving facility changes, in which case a new notice must be sent and a copy placed in the treatment facility's file.
- B) The one-time notice must include the requirements indicated in the following table:
- | Treatment Facility Paperwork Requirements Table                        |                    |
|--|--------------------|
| Required information   | Section 728.107(b) |
| 1. USEPA hazardous waste number and manifest number of first shipment. | X                  |

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2. The waste is subject to the LDRs. The constituents of concern for P001 through P005 and P039 waste and underlying hazardous constituents in characteristic wastes, unless the waste will be treated and monitored for all constituents. If all constituents will be treated and monitored, there is no need to put them all on the LDR notice.
3. The notice must include the applicable wastewater/nonwastewater category (see Section 728.102(d) and (f)) and subdivisions made within a waste code based on waste-specific criteria (such as P003 reactive cyanide).
4. Waste analysis data (when available).
5. For contaminated soil subject to LDRs as provided in Section 728.149(a), the constituents subject to the treatment as described in Section 728.149(d) and the following statement, "this contaminated soil (does/does not) contain listed hazardous waste and (does/does not) exhibit a characteristic of hazardous waste and (is subject to/complies with) the soil treatment standards as provided by Section 728.149(c)." X
6. A certification is needed (see applicable Section for exact wording).
- 4) The owner or operator of a treatment facility shall submit a certification signed by an authorized representative with the initial shipment of waste or treatment residue of a restricted waste to the land disposal facility. The certification must state as follows:
- I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification. Based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the treatment process has been operated and maintained properly so as to comply with the treatment standards specified in 35 Ill. Adm. Code 728.140 without impermissible dilution of the prohibited waste. I am aware

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there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

A certification is also necessary for contaminated soil and it must state:

I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification and believe that it has been maintained and operated properly so as to comply with treatment standards specified in 35 Ill. Adm. Code 728.149 without impermissible dilution of the prohibited wastes. I am aware there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

A) A copy of the certification must be placed in the treatment facility's on-site files. If the waste or treatment residue changes, or the receiving facility changes, a new certification must be sent to the receiving facility, and a copy placed in the treatment facility's file.

B) Debris excluded from the definition of hazardous waste under 35 Ill. Adm. Code 721.103(e) (i.e., debris treated by this Part and destruction technology listed in Table F of this Part and debris that the Agency has determined does not contain hazardous waste) is subject to the notification and certification requirements of subsection (d) of this Section rather than the certification requirements of this subsection (b)(4).

C) For wastes with organic constituents having treatment standards expressed as concentration levels, if compliance with the treatment standards is based in part or in whole on the analytical detection limit alternative specified in Section 728.140(d), the certification must be signed by an authorized representative and must state the following:

I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification. Based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the nonwastewater organic constituents have been treated by combustion units as specified in 35 Ill. Adm. Code 728.149 C. I have been unable to detect the nonwastewater organic constituents, despite having used best good faith efforts to analyze for such constituents. I am aware

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that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

D) For characteristic wastes that are subject to the treatment standards in Section 728.140 and Table T of this Part (other than those expressed as a required method of treatment) or Section 728.149 and which contain underlying hazardous constituents as defined in 35 Ill. Adm. Code 728.102(l); if these wastes are treated on-site to remove the hazardous characteristic; and that are then sent off-site for treatment of underlying hazardous constituents, the certification must state the following:

I certify under penalty of law that the waste has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.140 and Table T of Section 728.149 of that Part to remove the hazardous characteristic. The decharacterized waste contains underlying hazardous constituents that require further treatment to meet treatment standards. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

E) For characteristic wastes that contain underlying hazardous constituents as defined in Section 728.102(i) that are treated on-site to remove the hazardous characteristic and to treat underlying hazardous constituents to levels in Sections 728.148 and Table U of this Part universal treatment standards, the certification must state the following:

I certify under penalty of law that the waste has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.140 and Table of that Part to remove the hazardous characteristic and that underlying hazardous constituents, as defined in 35 Ill. Adm. Code 728.102(l), have been treated on-site to meet the universal treatment standards of 35 Ill. Adm. Code 728.148 and Table U of that Part ~~universal treatment standards~~. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

5) If the waste or treatment residue will be further managed at a different treatment, storage, or disposal facility, the treatment, storage, or disposal facility sending the waste or

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treatment residue off-site must comply with the notice and certification requirements applicable to generators under this Section.

- 6) Where the wastes are recyclable materials used in a manner constituting disposal subject to the provisions of 35 Ill. Adm. Code 726.120(b), regarding treatment standards and prohibition levels, the owner or operator of a treatment facility (i.e., the recycler) is not required to notify the receiving facility pursuant to subsection (b)(f3) of this Section. With each shipment of such wastes the owner or operator of the recycling facility shall submit a certification described in subsection (b)(44) of this Section and a notice that includes the information listed in subsection (b)(43) of this Section (except the manifest number) to the Agency. The recycling facility also shall keep records of the name and location of each entity receiving the hazardous waste-derived product.

- c) Except where the owner or operator is disposing of any waste that is a recyclable material used in a manner constituting disposal pursuant to 35 Ill. Adm. Code 726.120(b), the owner or operator of any land disposal facility disposing any waste subject to restrictions under this Part shall:

- 1) Maintain in its files copies of the notice and certifications specified in subsection (a) or (b) of this Section.
- 2) Test the waste, or an extract of the waste or treatment residue developed, using SW-846 Method 1311 (the Toxicity Characteristic Leaching Procedure), incorporated by reference in 35 Ill. Adm. Code 720.1117, to assure that the waste or treatment residue is in compliance with the applicable treatment standards set forth in Subpart D of this Part. Such testing must be performed according to the frequency specified in the facility's waste analysis plan as required by 35 Ill. Adm. Code 724.113 or 35 Ill. Adm. Code 725.113.
- 3) Where the owner or operator is disposing of any waste that is subject to the prohibitions under Section 728.133(f) but not subject to the prohibitions set forth in Section 728.132, the owner or operator shall ensure that such waste is the subject of a certification according to the requirements of Section 728.108 prior to disposal in a landfill or surface impoundment unit, and that such disposal is in accordance with the requirements of Section 728.105(h)(2). The same requirement applies to any waste that is subject to the prohibitions under Section 728.133(f) and also is subject to the statutory prohibitions in the codified prohibitions in Section 728.139 or Section 728.132.
- 4) Where the owner or operator is disposing of any waste that is a recyclable material used in a manner constituting disposal subject to the provisions of 35 Ill. Adm. Code 726.120(b), the owner or operator is not subject to subsections (c)(1) through (c)(3) of this Section with respect to such waste.

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- d) A generator or treater that first claims that hazardous debris is excluded from the definition of hazardous waste under 35 Ill. Adm. Code 721.103(e) (i.e., debris treated by an extraction or destruction technology provided by Table F of this Part, and debris that has been deleted) is subject to the following notification and certification requirements:

- 1) A one-time notification must be submitted to the Agency including the following information:
  - A) The name and address of the RCRA Subtitle D (municipal solid waste landfill) facility receiving the treated debris;
  - B) A description of the hazardous debris as initially generated, including the applicable USEPA hazardous waste numbers; and
  - C) For debris excluded under 35 Ill. Adm. Code 721.103(e)(1), the technology from Table F of this Part used to treat the debris.
- 2) The notification must be updated if the debris is shipped to a different facility and, for debris excluded under 35 Ill. Adm. Code 721.102(e)(1), if a different type of debris is treated or if a different technology is used to treat the debris.
- 3) For debris excluded under 35 Ill. Adm. Code 721.103(e)(1), the owner or operator of the treatment facility shall document and certify compliance with the treatment standards of Table F of this Part, as follows:
  - A) Records must be kept of all inspections, evaluations, and analyses of treated debris that are made to determine compliance with the treatment standards;
  - B) Records must be kept of any data or information the treater obtains during treatment of the debris that identifies key operating parameters of the treatment unit; and
  - C) For each shipment of treated debris, a certification of compliance with the treatment standards must be signed by an authorized representative and placed in the facility's files. The certification must state the following:  
  
I certify under penalty of law that the debris has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.145. I am aware that there are significant penalties for making a false certification, including the possibility of fine and imprisonment.
- e) A generator or treater that first receives a determination from USEPA or the Agency that a given contaminated soil subject to LDGs, as provided in Section 728.149(a), no longer contains a listed hazardous waste and generators and treaters that first determine that a contaminated soil subject to LDGs, as provided in Section 728.149(a), no longer exhibits a characteristic of hazardous waste shall do the following:



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- 1) Prepare a one-time only documentation of these determinations including all supporting information; and
- 2) Maintain that information in the facility files and other records for a minimum of three years.

(Source: Amended at 24 Ill. Reg. **9623**, effective June 20, 2000)

### Section 728.109 Special Rules for Characteristic Wastes

- a) The initial generator of a solid waste shall determine each USEPA hazardous waste number (waste code) applicable to the waste in order to determine the applicable treatment standards under Subpart D of this Part. For purposes of this part, the waste must carry the waste code for any applicable listing under 35 Ill. Adm. Code 721.Subpart D. In addition, the waste must carry one or more of the waste codes under 35 Ill. Adm. Code 721.Subpart C where the waste exhibits a characteristic, except in the case when the treatment standard for the listed waste operates in lieu of the treatment standard for the characteristic waste, as specified in subsection (b) of this Section. If the generator determines that its waste displays a characteristic of hazardous waste (and the waste is not D001 nonhazardous waste treated by CMBSR, RORGS, or POLYRM of Section 728.706(c)), the generator shall determine the underlying hazardous constituents (as defined at Section 728.102(1)) in the characteristic waste.
- b) Where a prohibited waste is both listed under 35 Ill. Adm. Code 721.Subpart D and exhibits a characteristic under 35 Ill. Adm. Code 721.Subpart C, the treatment standard for the waste code listed in 35 Ill. Adm. Code 721.Subpart D will operate in lieu of the standard for the waste code under 35 Ill. Adm. Code 721.Subpart C, provided that the treatment standard for the listed waste includes a treatment standard for the constituent that causes the waste to exhibit the characteristic. Otherwise, the waste must meet the treatment standards for all applicable listed and characteristic waste codes. In addition to any applicable standards determined from the initial point of generation, no prohibited waste that exhibits a characteristic under 35 Ill. Adm. Code 721.Subpart C shall be land disposed unless the waste complies with the treatment standards under Subpart D of this Part.
- d) A waste that exhibits a characteristic is also subject to Section 728.107 requirements, except that once the waste is no longer hazardous, a one-time notification and certification must be placed in the generator's or treater's files and sent to the Agency, except for those facilities described in subsection (f) of this Section. The notification and certification that is placed in the generator's or treater's files must be updated if the process or operation generating the waste changes on if the RCRA Subtitle D (municipal solid waste landfill) facility receiving the waste changes. However, the generator or treater need only notify the Agency on an annual basis if

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such changes occur. Such notification and certification should be sent to the Agency by the end of the year, but no later than December 31.

- 1) The notification must include the following information:

- A) The name and address of the RCRA Subtitle D (municipal solid waste landfill) facility receiving the waste shipment; and
- B) A description of the waste as initially generated, including the applicable USEPA hazardous waste numbers, the treatability groups group#9, and the underlying hazardous constituents (as defined in Section 728.102(1)), unless the waste will be defined and monitored for all underlying hazardous constituents. If all underlying hazardous constituents will be treated and monitored, there is no requirement to list any of the underlying hazardous constituents on the notice.
- 2) The certification must be signed by an authorized representative and must state the language found in Section 728.107(b)(4). If treatment removes the characteristic but does not meet standards applicable to underlying hazardous constituents, then the certification found in Section 728.107(b)(4)(D) applies.
- 3) For a characteristic waste whose ultimate disposal will be into a Class I nonhazardous waste injection well, and for which compliance with the treatment standards set forth in Sections 728.148 and 728.706 U for underlying hazardous constituents is achieved through pollution prevention that meets the criteria set forth at 35 Ill. Adm. Code 738.101(d), the following information must also be included:
  - A) A description of the pollution prevention mechanism and when it was implemented, if already complete;
  - B) The mass of each underlying hazardous constituent before pollution prevention;
  - C) The mass of each underlying hazardous constituent that must be removed, adjusted to reflect variations in mass due to normal operating conditions; and
  - D) The mass reduction of each underlying hazardous constituent that is achieved.
- e) For a decharacterized waste managed on-site in a wastewater treatment system subject to the federal Clean Water Act (CWA) or zero-dischargers engaged in CWA-equivalent treatment, compliance with the treatment standards set forth in Sections 728.148 and 728.706 D must be monitored quarterly, unless the treatment is aggressive biological treatment, in which case compliance must be monitored annually. Monitoring results must be kept in on-site files for 5 years.
- f) For a decharacterized waste managed on-site in a wastewater treatment system subject to the federal Clean Water Act (CWA) for which all underlying hazardous constituents (as defined in Section 728.102) are addressed by a CWA permit, this compliance must be documented and this



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documentation must be kept in on-site files.

- g) For a characteristic waste whose ultimate disposal will be into a Class I nonhazardous waste injection well that qualified for the de minimis exclusion described in Section 728.101, information supporting that qualification must be kept in on-site files.

(Source: Amended at 24 Ill. Reg. 9 6 2 3, effective June 20, 2000)

## SUBPART C: PROHIBITION ON LAND DISPOSAL

### Section 728.133 Waste Specific Prohibitions -- Organobromine Wastes (Repealed)

- a) The waste--specified--in--35 Ill. Adm. Code--728.132--as--USEPA--hazardous waste--number--13140--and--in--35 Ill. Adm. Code--728.133--as--USEPA--hazardous waste--number--1408--are--prohibited--from--land--disposal--in--addition--soils--and--debris--contaminated--with--these--wastes--radioactive--wastes mixed--with--these--hazardous--wastes--and--soils--and--debris--contaminated with--these--radioactive--hazardous--wastes--are--prohibited--from--land--disposal--the--requirements--of--subsection--(a)--of--this--Section--do--not--apply--if--the--wastes--meet--the--applicable--treatment--standards--specified--in Subpart--B--of--this--Part;

- 2) The Board has granted an exemption from a prohibition pursuant to a petition under Section 728.106, with respect to the wastes and units covered by the petition;

- 3) The wastes meet the applicable treatment standards established pursuant to a petition granted under Section 728.144;

- 4) Hazardous debris that has met treatment standards in Sections 728.140 and Table Y of this Part or in the alternative--the treatment standards in Section 728.145; or

- 5) USEPA has granted an extension to the effective date of a prohibition as described in Section 728.105, with respect to those wastes covered by the extension;

- c) To determine whether a hazardous waste identified in this Section exceeds the applicable treatment standards specified in Section 728.140 and Table Y of this Part, the initial generator shall test a sample of the waste extract on the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract or in the waste or the generator may use knowledge of the waste--if the waste contains constituents in excess of the applicable universal treatment standard levels of Section 728.140 and Table Y--of this Part--the waste is prohibited from land disposal and all requirements of this Part are applicable, except as otherwise specified;

(Source: Repealed at 24 Ill. Reg. 9 6 2 3, effective June 20, 2000)

## SUBPART D: TREATMENT STANDARDS

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### Section 728.140 Applicability of Treatment Standards

- a) A prohibited waste identified in Table T of this Part, "Treatment Standards for Hazardous Wastes", may be land disposed only if it meets the requirements found in that Table. For each waste, Table T of this Part identifies one of three types of treatment standard requirements:

- 1) All hazardous constituents in the waste or in the treatment residue must be at or below the values found in Table T of this Part for that waste ("total waste standards");

- 2) The hazardous constituents in the extract of the waste or in the extract of the treatment residue must be at or below the values found in Table T of this Part ("waste extract standards"); or

- 3) The waste must be treated using the technology specified in Table T of this Part ("technology standard"), which is described in detail in Table C of this Part, "Technology Codes and Description of Technology-Based Standards".

- b) For wastewaters, compliance with concentration level standards is based on maximums for any one day, except for D004 through D011 wastes for which the previously promulgated treatment standards based on grab samples remain in effect. For all nonwastewaters, compliance with concentration level standards is based on grab sampling. For wastes covered by the waste extract standards, the test Method 1311, the Toxicity Characteristic Leaching Procedure, found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code Section 720.111, must be used to measure compliance. An exception is made for D004 and D008, for which either of two test methods may be used: Method 1311 or Method 1310, the Extraction Procedure Toxicity Test, found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code Section 720.111. For wastes covered by a technology standard, the wastes may be land disposed after being treated using that specified technology or an equivalent treatment technology approved by the Agency pursuant to Section 728.142(b).

- c) When wastes with differing treatment standards for a constituent of concern are combined for purposes of treatment, the treatment residue must meet the lowest treatment standard for the constituent of concern.

- d) Notwithstanding the prohibitions specified in subsection (a) of this Section, treatment and disposal facilities may demonstrate (and certify pursuant to 35 Ill. Adm. Code 728.107(b)(5)) compliance with the treatment standards for organic constituents specified by a footnote in Table T of this Part, provided the following conditions are satisfied:

- 1) The treatment standards for the organic constituents were established based on incineration in units operated in accordance with the technical requirements of 35 Ill. Adm. Code 724. Subpart O, or based on combustion in fuel substitution units operating in

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- accordance with applicable technical requirements;
- 2) The treatment or disposal facility has used the methods referenced in subsection (d)(1) of this Section to treat the organic constituents; and
  - 3) The treatment or disposal facility may demonstrate compliance with organic constituents if good-faith analytical efforts achieve detection limits for the regulated organic constituents that do not exceed the treatment standards specified in this Section and Table T of this Part by an order of magnitude.
- e) For a characteristic waste (USEPA hazardous waste number D001 through D043) that is subject to treatment standards set forth in Table T of this Part, "Treatment Standards for Hazardous Wastes", and the waste is not managed in a wastewater treatment system that is regulated under the Clean Water Act (CWA) or one that is CWA-equivalent or the waste is injected into a Class I non-hazardous deep injection well, all underlying hazardous constituents (as defined in Section 728.102) must meet the universal treatment standards, set forth in Table U of this Part prior to land disposal, as defined in Section 728.102.
- f) The treatment standards for USEPA hazardous waste numbers F001 through F005 nonwastewater constituents carbon disulfide, cyclohexanone, or methanol apply to wastes that contain only one, two, or three of these constituents. Compliance is measured for these constituents in the waste extract from test Method 1311, the Toxicity Characteristic Leaching Procedure found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code Section 720.111. If the waste contains any of these three constituents along with any of the other 25 constituents found in USEPA hazardous waste numbers F001 through F005, then compliance with treatment standards for carbon disulfide, cyclohexanone, or methanol are not required.
- g) This subsection corresponds with 40 CFR 268.40(g), added at 61 Fed. Reg. 43927 (Aug. 26, 1996), which has expired. This statement maintains structural consistency with the Federal rules.
- h) Prohibited USEPA hazardous waste numbers D004 through D011, mixed radioactive wastes, and mixed radioactive listed wastes containing metal constituents that were previously treated by stabilization to the treatment standards in effect at that time and then put into storage do not have to be re-treated to meet treatment standards in this Section prior to land disposal.
- i) Zinc micronutrient fertilizers that are produced for the use of the general public and which are produced from or contain recycled characteristic hazardous wastes (D004 through D011) are subject to the applicable treatment standards set forth in 40 CFR 268.41 (1995) (1999), incorporated by reference in 35 Ill. Adm. Code 720.111(b). BOARD NOTE: USEPA added 40 CFR 268.40(i) at 63 Fed. Reg. 46331 (Aug. 31, 1998) to stay the Phase IV land disposal restrictions (LDRs) as they apply to zinc-containing fertilizers while it develops a more

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- comprehensive set of regulations applicable to use of hazardous waste in making fertilizers. To effect the stay, USEPA applied the 1990 LDR standards to the affected materials.
- 3) The treatment standards for the wastes specified in 35 Ill. Adm. Code 721.133 as USEPA hazardous waste numbers P185, P191, P192, U364, U394, and U395 may be satisfied by either meeting the constituent concentrations presented in Table T of this Part, "Treatment Standards for Hazardous Wastes", or by treating the waste by the following technologies: combustion, as defined by the technology code of CMBS1 at Table C, for nonwastewater and biodegradation, as defined by the technology code H100C; carbon adsorption, as defined by the technology code CARBN; chemical oxidation, as defined by the technology code CHOXD; or combustion, as defined as technology code CMBS1 at Table C, for wastewaters.
- ~~BOARD NOTE:--USEPA--added--a--second--49--CFR--268--40(f)--at--63--Fed--Reg--46415--(Sep--4--1998)--to--indefinitely--extend--the--alternative--treatment--standards--for--seven--carbamate--wastes--The--Board--has--incorporated--this--later--adopted--duplicate--subsection--(f)--as--subsection--(j)--~~

(Source: Amended at 24 Ill. Reg. 9 6 2 3 ; effective June 20, 2000)

## Section 728.149 Alternative LDR Treatment Standards for Contaminated Soil

- a) Applicability. An owner or operator shall comply with LDRs prior to placing soil that exhibits a characteristic of hazardous waste or which exhibited a characteristic of hazardous waste at the time it was generated into a land disposal unit. The following chart describes whether an owner or operator must comply with LDRs prior to placing soil contaminated by listed hazardous waste into a land disposal unit:
- | If the LDRs  | And if the LDRs                | And if   | Then the owner              |
|--|--------------------------------|--|-----------------------------|
| Applied to the listed waste when it contaminated the soil*       | Apply to the listed waste now. | -  | Must comply with LDRs.      |
| Did not apply to the listed waste when it contaminated the soil. | Apply to the listed waste now. | The soil is determined to contain the listed waste when the soil is first generated. | Must comply with LDRs.      |
| Did not apply to the listed waste when it contaminated the soil. | Apply to the listed waste now. | The soil is determined to contain the listed waste when it                           | Needs not comply with LDRs. |

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contaminated  
the soil\*.

waste when the soil  
is first generated.

Did not apply Do not apply to - Needs not comply  
to the listed waste now. with LDRs.  
contaminated  
the soil\*.

\* For dates of LDR applicability, see Appendix G of this Part. To determine the date any given listed hazardous waste contaminated any given volume of soil, use the last date any given listed hazardous waste was placed into any given land disposal unit or, in the case of an accidental spill, the date of the spill.

b) Prior to land disposal, contaminated soil identified by subsection (a) of this Section as needing to comply with LDRs must be treated according to the applicable treatment standards specified in subsection (c) of this Section or according to the universal treatment standards specified in Section 728.148 and Table U of this Part applicable to the contaminating listed hazardous waste or the applicable characteristic of hazardous waste if the soil is characteristic. The treatment standards specified in subsection (c) of this Section and the universal treatment standards may be modified through a treatment variance approved in accordance with Section 728.144.

c) Treatment standards for contaminated soils. Prior to land disposal, contaminated soil identified by subsection (a) of this Section as needing to comply with LDRs must be treated according to all the standards specified in this subsection or according to the universal treatment standards specified in Section 728.148 and Table U of this Part.

1) All soils. Prior to land disposal, all constituents subject to treatment must be treated as follows:

A) For non-metals except carbon disulfide, cyclohexanone, and methanol, treatment must achieve 90 percent reduction in total constituent concentrations, except as provided by subsection (c)(1)(C) of this Section.

B) For metals and carbon disulfide, cyclohexanone, and methanol, treatment must achieve 90 percent reduction in constituent concentrations as measured in leachate from the treated media (tested according to the TCLP) or 90 percent reduction in total constituent concentrations (when a metal removal treatment technology is used), except as provided by subsection (c)(1)(C) of this Section.

C) When treatment of any constituent subject to treatment to a 90 percent reduction standard would result in a concentration less than 10 times the universal treatment

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standard for that constituent, treatment to achieve constituent concentrations less than 10 times the universal treatment standard is not required. The universal treatment standards are identified in Table U of this Part.

2) Soils that exhibit the characteristic of Ignitability, corrosivity or reactivity. In addition to the treatment required by subsection (c)(1) of this Section, prior to land disposal, soils that exhibit the characteristic of Ignitability, corrosivity, or reactivity must be treated to eliminate these characteristics.

3) Soils that contain nonanalyzable constituents. In addition to the treatment requirements of subsections (c)(1) and (c)(2) of this Section, prior to land disposal, the following treatment is required for soils that contain nonanalyzable constituents:

A) For soil that contains only analyzable and nonanalyzable organic constituents, treatment of the analyzable organic constituents to the levels specified in subsections (c)(1) and (c)(2) of this Section; or

B) For soil that contains only nonanalyzable constituents, treatment by the methods specified in Section 728.142 for the waste contained in the soil.

d) Constituents subject to treatment. When applying the soil treatment standards in subsection (c) of this Section, constituents subject to treatment are any constituents listed in Table U of this Part universal treatment standards that are reasonably expected to be present in any given volume of contaminated soil, except fluorides, selenium, sulfides, vanadium and zinc, and are present at concentrations greater than ten times the universal treatment standard.

e) Management of treatment residuals. Treatment residuals from treating contaminated soil identified by subsection (a) of this Section as needing to comply with LDRs must be managed as follows:

1) Soil residuals are subject to the treatment standards of this Section;

2) Non-soil residuals are subject to the following requirements:

A) For soils contaminated by listed hazardous waste, the RCRA Subtitle C standards applicable to the listed hazardous waste; and

B) For soils that exhibit a characteristic of hazardous waste, if the non-soil residual also exhibits a characteristic of hazardous waste, the treatment standards applicable to the characteristic hazardous waste.

(Source: Amended at 24 Ill. Reg. **9623**, effective June 20, 2000)

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## Section 728-TABLE T Treatment Standards for Hazardous Wastes

Note: The treatment standards that heretofore appeared in tables in Sections 728.141, 728.142, and 728.143 have been consolidated into this table.

## Waste Code

## Waste Description and Treatment or Regulatory Subcategory (1)

Regulated Hazardous Constituent	Wastewaters	Nonwastewaters	
Common Name	CAS(2) Number	Concentration In mg/l(3); or Technology Code(4)	Concentration In mg/kg(5) un- less noted as "mg/l TCLP"; or Technology Code(4)
D001(9) Ignitable Characteristic Wastes, except for the 35 Ill. Adm. Code 721.121(a)(1) high TOC Subcategory.	NA	DEACT and meet Section 728.148 standards (8);††† or-standards (8)†††; or RORGs; or CMBST	DEACT and meet Section 728.148 standards (8); or RORGs; or CMBST
D001(9) High TOC Ignitable Characteristic Liquids Subcategory based on 35 Ill. Adm. Code 721.121(a)(1) - Greater than or equal to 10 percent total organic carbon. (Note: This subcategory consists of nonwastewaters only.)	NA	NA	RORGs; CMBST; or POLYM
D002(9) Corrosive Characteristic Wastes.	NA	DEACT and meet Section 728.148 standards(8)	DEACT and meet Section 728.148 standards(8)
D002, D004, D005, D006, D007, D008, D009, D010, D011 Radioactive high level wastes generated during the reprocessing of fuel rods. (Note: This subcategory consists of nonwastewaters only.)	NA	NA	HLVIT
Corrosivity (pH)	NA	NA	HLVIT
Arsenic	7440-38-2	NA	HLVIT

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Barium	7440-39-3	NA	HLVIT
Cadmium	7440-43-9	NA	HLVIT
Chromium (Total)	7440-47-3	NA	HLVIT
Lead	7439-92-1	NA	HLVIT
Mercury	7439-97-6	NA	HLVIT
Selenium	7782-49-2	NA	HLVIT
Silver	7440-22-4	NA	HLVIT
D003(9) Reactive Sulfides Subcategory based on 35 Ill. Adm. Code 721.123(a)(5).	NA	DEACT	DEACT
D003(9) Explosive subcategory based on 35 Ill. Adm. Code 721.123(a)(6), (a)(7), and (a)(8).	NA	DEACT and meet Section 728.148 standards(8)	DEACT and meet Section 728.148 standards(8)
D003(9) Unexploded ordnance and other explosive devices that have been the subject of an emergency response.	NA	DEACT	DEACT
D003(9) Other Reactives Subcategory based on 35 Ill. Adm. Code 721.123(a)(11).	NA	DEACT and meet Section 728.148 standards(8)	DEACT and meet Section 728.148 standards(8)
D003(9) Water Reactive Subcategory based on 35 Ill. Adm. Code 721.123(a)(2), (a)(3), and (a)(4). (Note: This subcategory consists of nonwastewaters only.)	NA	NA	DEACT and meet Section 728.148 standards(8)
D003(9) Reactive Cyanides Subcategory based on 35 Ill. Adm. Code 721.123(a)(5). Cyanides (Total)(7) 57-12-5 Cyanides (Amenable)(7) 57-12-5 0.86	NA	NA	590 30
D004(9) Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity			

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for arsenic based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Arsenic 7440-38-2 1.4 and meet Section 728.148 and meet Section 728.148 standards(8) 5.0 mg/l TCLP and meet Section 728.148 standards(8)

D005(9) Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for barium based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Barium 7440-39-3 1.2 and meet Section 728.148 standards(8) 21 mg/l TCLP and meet Section 728.148 standards(8)

D006(9) Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for cadmium based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Cadmium 7440-43-9 0.69 and meet Section 728.148 standards(8) .11 mg/l TCLP and meet Section 728.148 standards(8)

D006(9) Cadmium-Containing Batteries Subcategory (Note: This subcategory consists of nonwastewaters only.)

7440-43-9 NA RYTHM

D007(9) Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for chromium based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Chromium (Total) 7440-47-3 2.77 and meet Section 728.148 standards(8) 0.60 mg/l TCLP and meet Section 728.148 standards(8)

D008(9) Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for lead based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Lead 7439-92-1 0.69 and meet Section 728.148 standards(8) 0.75 mg/l TCLP and meet Section 728.148 standards(8)

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standards(8)

D008(9) Lead Acid Batteries Subcategory (Note: This standard only applies to lead acid batteries that are identified as RCRA hazardous wastes and that are not excluded elsewhere from regulation under the land disposal restrictions of this Part or exempted under other regulations (see 35 Ill. Adm. Code 728.180). This subcategory consists of nonwastewaters only.)

Lead 7439-92-1 NA RLEAD

D008(9) Radioactive Lead Solids Subcategory (Note: These lead solids include, but are not limited to, all forms of lead shielding and other elemental forms of lead. These lead solids do not include treatment residuals such as hydroxide sludges, other wastewater treatment residuals, or incinerator ashes that can undergo conventional pozzolanic stabilization, nor do they include organo-lead materials that can be incinerated and stabilized as ash. This subcategory consists of nonwastewaters only.)

Lead 7439-92-1 NA MACRO

D009(9) Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311; and contain greater than or equal to 260 mg/kg total mercury that also contain organics and are not incinerator residues. (High Mercury-Organic Subcategory)

Mercury 7439-97-6 NA IMERC; or RMERC

D009(9) Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311; and contain greater than or equal to 260 mg/kg total mercury that are inorganic, including incinerator residues and residues from RMERC. (High Mercury-Inorganic Subcategory)

Mercury 7439-97-6 NA RMERC

D009(9) Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311; and contain less than 260 mg/kg total mercury. (Low Mercury Subcategory)

Mercury 7439-97-6 NA 0.20 mg/l TCLP and meet Section



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<b>D009(9)</b> All other nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based in the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311; and contain less than 260 mg/kg total mercury and that are not residues from RMERC. (Low Mercury Subcategory)	728.148 standards (8)
Mercury	0.025 mg/l TCLP and meet Section 728.148 standards(8)
<b>D009(9)</b> All D009 wastewaters.	NA
Mercury	7439-97-6
	0.15 and meet Section 728.148 standards(8)
<b>D009(9)</b> Elemental mercury contaminated with radioactive materials. (Note: This subcategory consists of nonwastewaters only.)	NA
Mercury	7439-97-6
	AMLCM
<b>D009(9)</b> Hydraulic oil contaminated with Mercury Radioactive Materials Subcategory. (Note: This subcategory consists of nonwastewaters only.)	IMERC
Mercury	7439-97-6
	NA
<b>D010(9)</b> Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for selenium based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.	5.7 mg/l TCLP and meet Section 728.148 standards(8)
Selenium	7782-49-2
	0.82
<b>D010(9)</b> Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for silver based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.	0.14 mg/l TCLP and meet Section 728.148 standards(8)
Silver	7440-22-4
	0.43

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D012(9)	Wastes that are TC for Endrin based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.	Endrin	72-20-8	BIODG; or CMBST	0.13 and meet Section 728.148 standards(8)
	Endrin aldehyde		7421-93-4	BIODG; or CMBST	0.13 and meet Section 728.148 standards(8)
D013(9)	Wastes that are TC for Lindane based on the toxicity leaching procedure (TCLP) in SW-846 Method 1311.	alpha-BHC	319-84-6	CARBEN; or CMBST	0.066 and meet Section 728.148 standards(8)
	beta-BHC		319-85-7	CARBEN; or CMBST	0.066 and meet Section 728.148 standards(8)
	delta-BHC		319-86-8	CARBEN; or CMBST	0.066 and meet Section 728.148 standards(8)
	gamma-BHC (Lindane)		58-99-9	CARBEN; or CMBST	0.066 and meet Section 728.148 standards(8)
D014(9)	Wastes that are TC for Methoxychlor based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.	Methoxychlor	72-43-5	WETOX or CMBST	0.18 and meet Section 728.148 standards(8)
D015(9)	Wastes that are TC for Toxaphene based on the toxicity characteristic leaching				

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procedure (TCLP) in SW-846 Method 1311.  
Toxaphene 8001-35-2

BIODG or  
CMBST

2.6 and meet  
Section  
728.148  
standards

D016(9)

Wastes that are TC for 2,4-D (2,4-Dichlorophenoxyacetic acid) based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

2,4-D (2,4-Dichloro- phenoxyacetic acid)	94-75-7	CHOD; or BIOD; or CMBST	10 and meet Section
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D017(9)

Wastes that are TC for 2,4,5-Tp (Silvex) based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Teaching procedure (ICRF) in SW 840 method 1911	CHOXD or CMBST
2,4,5-Tp (Silvex)	93-72-1

7.9  
and meet  
Section  
728.148  
standards

D018(9)

Wastes that are TC for Benzene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Benzene	71-43-2	0.14
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D019(9)

Wastes that are TC for Carbon tetrachloride based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Carbon tetrachloride 56-23-5 0.057 and meet Section 728.148 standard

D020(9)

Wastes that are TC for Chlordane based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Procedure (ref.)	On 946	On 946
Chlordane (alpha and gamma isomers)	57-74-9	0.0033 and meet

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Section  
728.148  
standard

D021(9)

wastes that are TC for Chlorobenzene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Chlorobenzene	108-90-7	and meet Section standards(8)	6.0
	0.057		
	728.148		
	728.148		

D022(9)

wastes that are TC for Chloroform based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Procedure (12M) and Or 040 Section 12M:	67-66-3	0.046 and meet Section	728.148	728.148	6.0 and meet standard
Chloroform					

D023(9)

wastes that are TC for o-Cresol based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Procedure (1927) in Dr. G. H. Nelson, 1927	95-48-7	0.11 and meet Section	5.6 and meet Section
O-Cresol		728.148	728.148
		standards(8)	standard

D024(9)

wastes that are TC for m-Cresol based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

m-Cresol	0.77	5.6
(difficult to distinguish from p-cresol)	108-39-4	and meet Section standard 728.148
		standards(8)

D025(9)

Wastes that are TC for p-Cresol based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Procedure (see) in SW 610 method 1991:	106-44-5	0.77	5.6
p-Cresol			
(difficult to distinguish from m-cresol)			
	728.148	728.148	728.148
		standards(8)	standards

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- D026(9)**  
Wastes that are TC for Cresols (Total) based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.  
Cresol-mixed isomers 1319-77-3 0.88  
(Cresylic acid)  
and meet  
Section  
(sum of O-, m-, and p-  
cresol concentrations)  
728.148  
standards(8)
- D027(9)**  
Wastes that are TC for p-Dichlorobenzene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.  
p-Dichlorobenzene (1,4- 106-46-7 0.090  
Dichlorobenzene)  
and meet  
Section  
728.148  
standards(8)
- D028(9)**  
Wastes that are TC for 1,2-Dichloroethane based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.  
1,2-Dichloroethane 107-06-2 0.21  
and meet  
Section  
728.148  
standards(8)
- D029(9)**  
Wastes that are TC for 1,1-Dichloroethylene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.  
1,1-Dichloroethylene 75-35-4 0.025  
and meet  
Section  
728.148  
standards(8)
- D030(9)**  
Wastes that are TC for 2,4-Dinitrotoluene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.  
2,4-Dinitrotoluene 121-14-2 0.32  
and meet  
Section  
728.148  
standards(8)
- D031(9)**  
Wastes that are TC for Heptachlor based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

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- Heptachlor** 76-44-8 0.0012 and  
meet Section  
728.148  
standards(8)
- Heptachlor epoxide** 1024-57-3 0.016  
and meet  
Section  
728.148  
standards(8)
- D032(9)**  
Wastes that are TC for Hexachlorobenzene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.  
Hexachlorobenzene 118-74-1 0.055  
and meet  
Section  
728.148  
standards(8)
- D033(9)**  
Wastes that are TC for Hexachlorobutadiene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.  
Hexachlorobutadiene 87-68-3 0.055  
and meet  
Section  
728.148  
standards(8)
- D034(9)**  
Wastes that are TC for Hexachloroethane based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.  
Hexachloroethane 67-72-1 0.055  
and meet  
Section  
728.148  
standards(8)
- D035(9)**  
Wastes that are TC for Methyl ethyl ketone based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.  
Methyl ethyl ketone 78-93-3 0.28  
and meet  
Section  
728.148  
standards(8)
- D036(9)**  
Wastes that are TC for Nitrobenzene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.



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Cresol-mixed isomers (Cresylic acid) (sum of o-, m-, and p- cresol concentrations)	1319-77-3	0.88	11.2
Cyclohexanone	108-94-1	0.36	NA
o-Dichlorobenzene	95-50-1	0.088	6.0
Ethyl acetate	141-78-6	0.34	33
Ethyl benzene	100-41-4	0.057	10
Ethyl ether	60-29-7	0.12	160
Isobutyl alcohol	78-83-1	5.6	170
Methanol	67-56-1	5.6	NA
Methylene chloride	75-9-2	0.089	30
Methyl ethyl ketone	78-93-3	0.28	36
Methyl isobutyl ketone	108-10-1	0.14	33
Nitrobenzene	98-95-3	0.068	14
Pyridine	110-86-1	0.014	16
Tetrachloroethylene	127-18-4	0.056	6.0
Toluene	108-88-3	0.080	10
1,1,1-Trichloroethane	71-55-6	0.054	6.0
1,1,2-Trichloroethane	79-00-5	0.054	6.0
1,1,2-Trichloro-1,2,2- trifluoroethane	76-13-1	0.057	30
Trichloromethane	79-01-6	0.054	6.0
Trichloroethylene	75-69-4	0.020	30
Methane	1330-20-7	0.32	30
Xylenes-mixed isomers (sum of o-, m-, and p- xylene concentrations)			

F001, F002, F003, F004 & F005  
F003 and F005 solvent wastes that contain any combination of one or more of the following three solvents as the only listed F001 through F005 solvents: carbon disulfide, cyclohexanone, or methanol. (Formerly Section 728.141(c))

Carbon disulfide	75-15-0	3.8	4.8 mg/l TCLP
Cyclohexanone	108-94-1	0.36	0.75 mg/l TCLP
Methanol	67-56-1	5.6	0.75 mg/l TCLP
F001, F002, F003, F004 & F005 F005 solvent waste containing 2-Nitropropane as the only listed F001 through F005 solvent			
2-Nitropropane	79-46-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

F001, F002, F003, F004 & F005  
F005 solvent waste containing 2-Ethoxyethanol as the only listed F001 through

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F005 solvent. 2-Ethoxyethanol	110-80-5	BIOG; or CMBST	CMBST
F006 Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning or stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum.			
Cadmium	7440-43-9	0.69	0.11 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Cyanides (Amenable)(7)	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Nickel	7440-02-0	3.98	11 mg/l TCLP
Silver	7440-22-4	NA	0.14 mg/l TCLP
F007 Spent cyanide plating bath solutions from electroplating operations.			
Cadmium	7440-43-9	NA	0.11 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Cyanides (Amenable)(7)	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Nickel	7440-02-0	3.98	11 mg/l TCLP
Silver	7440-22-4	NA	0.14 mg/l TCLP

F008  
Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process.

Cadmium	7440-43-9	NA	0.11 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Cyanides (Amenable)(7)	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Nickel	7440-02-0	3.98	11 mg/l TCLP
Silver	7440-22-4	NA	0.14 mg/l TCLP

F009  
Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process.

Cadmium	7440-43-9	NA	0.11 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Cyanides (Amenable)(7)	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.75 mg/l TCLP



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7440-02-0 3.98 11 mg/l TCLP  
7440-22-4 NA 0.14 mg/l TCLP

F010 Quenching bath residues from oil baths from metal heat treating operations where cyanides are used in the process.

Cyanides (Total)(7) 57-12-5 1.2 590  
Cyanides (Amenable)(7) 57-12-5 0.86 NA

F011 Spent cyanide solutions from salt bath pot cleaning from metal heat treating operations.

Cadmium 7440-43-9 NA 0.11 mg/l TCLP  
Chromium (Total) 7440-47-3 2.77 0.60 mg/l TCLP  
Cyanides (Total)(7) 57-12-5 1.2 590  
Cyanides (Amenable)(7) 57-12-5 0.86 30  
Lead 7439-92-1 0.69 0.75 mg/l TCLP  
Nickel 7440-02-0 3.98 11 mg/l TCLP  
Silver 7440-22-4 NA 0.14 mg/l TCLP

F012 Quenching wastewater treatment sludges from metal heat treating operations where cyanides are used in the process.

Cadmium 7440-43-9 NA 0.11 mg/l TCLP  
Chromium (Total) 7440-47-3 2.77 0.60 mg/l TCLP  
Cyanides (Total)(7) 57-12-5 1.2 590  
Cyanides (Amenable)(7) 57-12-5 0.86 30  
Lead 7439-92-1 0.69 0.75 mg/l TCLP  
Nickel 7440-02-0 3.98 11 mg/l TCLP  
Silver 7440-22-4 NA 0.14 mg/l TCLP

F019 Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process.

Chromium (Total) 7440-47-3 2.77 0.60 mg/l TCLP  
Cyanides (Total)(7) 57-12-5 1.2 590  
Cyanides (Amenable)(7) 57-12-5 0.86 30

F020, F021, F022, F023, F026 Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of: (1) tri- or tetrachlorophenol, or intermediates used to produce their pesticide derivatives, excluding wastes from the production of Hexachlorophene from highly purified 2,4,5-trichlorophenol (i.e., F020); (2) pentachlorophenol, or of intermediates used to produce its derivatives (i.e., F021); (3) tetra-, penta-, or hexachlorobenzenes under alkaline conditions (i.e., F022) and wastes (except

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wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of: (1) tri- or tetrachlorophenols, excluding wastes from equipment used only for the production of Hexachlorophene from highly purified 2,4,5-trichlorophenol (F023) or (2) tetra-, penta-, or hexachlorobenzenes under alkaline conditions (i.e., F026).

HKCDDs (All Hexachloro- NA 0.000063 0.001

dibenzop-p-dioxins)

HKCDFs (All Hexachloro- NA 0.000063 0.001

dibenzofurans)

PeCDDs (All Penta- NA 0.000063 0.001

chloro-dibenzo-p

-dioxins)

PeCDFs (All Penta- NA 0.000035 0.001

chlorofurans)

Pentachlorophenol 87-86-5 0.089 7.4

TCDDs (All Tetrachloro- NA 0.000063 0.001

dibenzo-p-dioxins)

TCDFs (All Tetrachloro- NA 0.000063 0.001

dibenzofurans)

2,4,5-Trichlorophenol 95-95-4 0.18 7.4

2,4,6-Trichlorophenol 88-06-2 0.035 7.4

2,3,4,6-Tetrachloro- 58-90-2 0.030 7.4

phenol

## F024

Process wastes, including but not limited to, distillation residues, heavy ends, tars, and reactor clean-out wastes, from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. (This listing does not include wastewaters, wastewater treatment sludges, spent catalysts, and wastes listed in 35 Ill. Adm. Code 721.131 or 721.132.)

All F024 wastes NA CMBS7(11) CMBS7(11)

2-Chloro-1,3-butadiene 126-99-8 0.057 0.28

3-Chloropropylene 107-05-1 0.036 30

1,1-Dichloroethane 75-34-3 0.059 6.0

1,2-Dichloroethane 107-06-2 0.21 6.0

cis-1,3-Dichloro- 78-87-5 0.85 18

propylene 10061-01-5 0.036 18

trans-1,3-Dichloro- 10061-02-6 0.036 18

propylene 117-81-7 0.28 28

bis(2-Ethylhexyl)- 67-72-1 0.055 30

phthalate

Hexachloroethane

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dibenzofurans)			
Pentachlorophenol	87-86-5	0.089	7.4
TCDDs (All Tetrachloro-	NA	0.00063	0.001
dibenzo-p-dioxins)			
TCDFs (All Tetrachloro-	NA	0.000063	0.001
dibenzofurans)			
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
2,3,4,6-Tetrachloro-	58-90-2	0.030	7.4
phenol			

F028 Residues resulting from the incineration or thermal treatment of soil contaminated with USEPA hazardous waste numbers F020, F021, F023, F026, and F027.

HxCDDs (All Hexachloro-	NA	0.000063	0.001
dibenzo-p-dioxins)			
HxCDFs (All Hexachloro-	NA	0.000063	0.001
dibenzofurans)			
PeCDDs (All Pentachloro-	NA	0.000063	0.001
dibenzo-p-dioxins)			
PeCDFs (All Pentachloro-	NA	0.000035	0.001
dibenzofurans)			
Pentachlorophenol	87-86-5	0.089	7.4
TCDDs (All Tetrachloro-	NA	0.000063	0.001
dibenzo-p-dioxins)			
TCDFs (All Tetrachloro-	NA	0.000063	0.001
dibenzofurans)			
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
2,3,4,6-Tetrachloro-	58-90-2	0.030	7.4
phenol			

F032 Wastewaters (except those that have not come into contact with process

contaminants), process residuals, preservative drillage, and spent formulations from wood preserving processes generated at plants that currently use or have previously used chlorophenolic formulations (except potentially cross-contaminated wastes that have had the F032 waste code deleted in accordance with 35 Ill. Adm. Code 721.135 or potentially cross-contaminated wastes that are otherwise currently regulated as hazardous wastes (i.e., F034 or F035), where the generator does not resume or initiate use of chlorophenolic formulations). This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or penta-chlorophenol.

Acenaphthene	83-32-9	0.059	3.4
Anthracene	120-12-7	0.059	3.4
Benz(a)anthra-			

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Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Nickel	7440-02-0	3.98	11 mg/l TCLP
F025 Condensed light ends from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one up to and including five, with varying amounts and positions of chlorine substitution. F025--Light Ends Subcategory.			
Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
1,1-Dichloroethylene	75-35-4	0.025	6.0
Methylene chloride	75-9-2	0.089	30
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0
Vinyl chloride	75-01-4	0.27	6.0

F025 Spent filters and filter aids, and spent desiccant wastes from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. F025--Spent Filters/Aids and Desiccants Subcategory.

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Hexachlorobenzene	118-74-1	0.055	10
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachloroethane	67-72-1	0.055	30
Methylene chloride	75-9-2	0.089	30
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0
Vinyl chloride	75-01-4	0.27	6.0

F027 Discarded unused formulations containing tri-, tetra-, or pentachlorophenol or discarded unused formulations containing compounds derived from these chlorophenols. (This listing does not include formulations containing hexachlorophene synthesized from prepurified 2,4,5-trichlorophenol as the sole component.)

HxCDDs (All Hexachloro-	NA	0.000063	0.001
dibenzo-p-dioxins)			
HxCDFs (All Hexachloro-	NA	0.000063	0.001
dibenzofurans)			
PeCDDs (All Pentachloro-	NA	0.000063	0.001
dibenzo-p-dioxins)			
PeCDFs (All Pentachloro-	NA	0.000035	0.001

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cene	56-55-3	0.059	3.4	2,4,6-Tri-chlorophenol	88-06-2	0.035	7.4
Benzo(b)fluor-anthene	205-99-2	0.11	6.8	Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
(difficult to distinguish from benzo(k)-fluoranthene)				Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Benzo(k)fluor-anthene	207-08-9	0.11	6.8	F034			
(difficult to distinguish from benzo(b)-fluoranthene)				Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that use creosote formulations. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or pentachlorophenol.			
Benzo(a)pyrene	50-32-8	0.061	3.4	Acenaphthene	83-32-9	0.059	3.4
Chrysene	218-01-9	0.059	3.4	Anthracene	120-12-7	0.059	3.4
Dibenzo(a,h)-anthracene	53-70-3	0.055	8.2	Benzo(a)anthracene	56-55-3	0.059	3.4
2,4-Dimethylphenol	105-67-9	0.036	1.4	Benzo(b)fluor-anthene	205-99-2	0.11	6.8
Fluorene	86-73-7	0.059	3.4	(difficult to distinguish from benzo(k)-fluoranthene)			
Hexachlorodibenzo-p-dioxins	NA	0.00063 or CBST(11)	0.001 or CBST(11)	Benzo(k)fluor-anthene	207-08-9	0.11	6.8
Hexachlorodibenzofurans	NA	0.00063 or CBST(11)	0.001 or CBST(11)				
Indeno (1,2,3-c,d) pyrene	193-39-5	0.0055	3.4				
Naphthalene	91-20-3	0.059	5.6				
Pentachlorodibenzo-p-dioxins	NA	0.000063 or CBST(11)	0.001 or CBST(11)				
Pentachlorodibenzofurans	NA	0.000035 or CBST(11)	0.001 or CBST(11)				
Phenol	87-86-5	0.089	7.4				
Phenanthrene	85-01-8	0.059	5.6				
Pyrene	108-95-2	0.039	6.2				
Tetrachlorodibenzo-p-dioxins	129-00-0	0.067	8.2				
	NA	0.000063 or CBST(11)	0.001 or CBST(11)				
Tetrachlorodibenzofurans	NA	0.000063 or CBST(11)	0.001 or CBST(11)				
2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4				

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2,4,6-Tri-chlorophenol	88-06-2	0.035	7.4
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
F035			
Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that use creosote formulations. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or pentachlorophenol.			
Acenaphthene	83-32-9	0.059	3.4
Anthracene	120-12-7	0.059	3.4
Benzo(a)anthracene	56-55-3	0.059	3.4
Benzo(b)fluor-anthene	205-99-2	0.11	6.8
(difficult to distinguish from benzo(k)-fluoranthene)			
Benzo(k)fluor-anthene	207-08-9	0.11	6.8
(difficult to distinguish from benzo(b)-fluoranthene)			
Benzo(a)pyrene	50-32-8	0.061	3.4
Chrysene	218-01-9	0.059	3.4
Dibenzo(a,h)-anthracene	53-70-3	0.055	8.2
Fluorene	86-73-7	0.059	3.4
Indeno (1,2,3-c,d) pyrene	193-39-5	0.0055	3.4
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
F035			
Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes that are generated at plants that use inorganic preservatives containing arsenic or chromium. This listing does not include			

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K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use cresote or pentachlorophenol.

Arsenic 7440-38-2 1.4 5.0 mg/l TCLP  
Chromium (Total) 7440-47-3 2.77 0.60 mg/l TCLP

## F037

Petroleum refinery primary oil/water/solids separation sludge--Any sludge generated from the gravitational separation of oil/water/solids during the storage or treatment of process wastewaters and oily cooling wastewaters from petroleum refineries. Such sludges include, but are not limited to, those generated in: oil/water/solids separators; tanks and impoundments; ditches and other conveyances; pumps; and stormwater units receiving dry weather flow. Sludge generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters, segregated for treatment from other process or oily cooling waters, sludges generated in aggressive biological treatment units as defined in 35 Ill. Adm. Code 721.131(b)(2) (including sludges generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units) and K051 wastes are not included in this listing.

Acenaphthene 83-32-9 0.059 NA  
Anthracene 120-12-7 0.059 3.4  
Benzene 71-43-2 0.14 10  
Benz(a)anthracene 56-55-3 0.059 3.4  
Benz(a)pyrene 50-32-8 0.061 3.4  
Bis(2-Ethylhexyl) 117-81-7 0.28 28

Chrysene 218-01-9 0.059 3.4  
Di-n-butyl phthalate 84-74-2 0.057 28  
Ethylbenzene 100-41-4 0.057 10  
Fluorene 86-73-7 0.059 NA  
Naphthalene 85-20-3 0.059 5.6  
Phenanthrene 98-01-8 0.059 5.6  
Phenol 108-95-2 0.039 6.2  
Pyrene 129-00-0 0.067 8.2  
Toluene 108-88-3 0.080 10  
Xylenes-mixed isomers 1330-20-7 0.32 30  
(sum of o-, m-, and p-xylene concentrations)

Chromium (Total) 7440-47-3 2.77 0.60 mg/l TCLP  
Cyanides (Total)(7) 57-12-5 1.2 590  
Lead 7439-92-1 0.69 NA  
Nickel 7440-02-0 NA 11 mg/l TCLP

## F038

Petroleum refinery secondary (emulsified) oil/water/solids separation sludge or float generated from the physical or chemical separation of oil/water/solids in process wastewaters and oily cooling wastewaters from petroleum refineries. Such wastes include, but are not limited to, all sludges and floats generated

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in: induced air floatation (IAF) units, tanks and impoundments, and all sludges generated in IAF units. Sludges generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges, and floats generated in aggressive biological treatment units as defined in 35 Ill. Adm. Code 721.131(b)(2) (including sludges and floats generated in one or more additional units after wastewaters have been treated in aggressive biological units) and F037, K048, and K051 are not included in this listing.

Benzene 71-43-2 0.14 10  
Benz(a)pyrene 50-32-8 0.061 3.4  
Bis(2-Ethylhexyl) 117-81-7 0.28 28  
phthalate

Chrysene 218-01-9 0.059 3.4  
Di-n-butyl phthalate 84-74-2 0.057 28  
Ethylbenzene 100-41-4 0.057 10  
Fluorene 86-73-7 0.059 NA  
Naphthalene 85-20-3 0.059 5.6  
Phenanthrene 98-01-8 0.059 5.6  
Phenol 108-95-2 0.039 6.2  
Pyrene 129-00-0 0.067 8.2  
Toluene 108-88-3 0.080 10  
Xylenes-mixed isomers 1330-20-7 0.32 30  
(sum of o-, m-, and p-xylene concentrations)

Chromium (Total) 7440-47-3 2.77 0.60 mg/l TCLP  
Cyanides (Total)(7) 57-12-5 1.2 590  
Lead 7439-92-1 0.69 NA  
Nickel 7440-02-0 NA 11 mg/l TCLP

F039  
Leachate (liquids that have percolated through land disposed wastes) resulting from the disposal of more than one restricted waste classified as hazardous under Subpart D of this part. (Leachate resulting from the disposal of one or more of the following USEPA hazardous wastes and no other hazardous wastes retains its USEPA hazardous waste numbers: F020, F021, F022, F026, F027, or F028.)

Acenaphthylene 208-96-8 0.059 3.4  
Acenaphthene 83-32-9 0.059 3.4  
Acetone 67-64-1 0.28 160  
Acetonitrile 75-05-8 5.6 NA  
Acetophenone 96-86-2 0.010 9.7  
2-Acetylaminofluorene 53-96-3 0.059 140  
Acrolein 107-02-8 0.23 NA  
Acrylonitrile 107-13-1 0.24 84  
Aldrin 309-00-2 0.021 0.066  
4-Aminobiphenyl 92-67-1 0.13 NA  
Aniline 62-53-3 0.81 14

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Anthracene	120-12-7	0.059	3.4
Aranite	140-57-8	0.36	NA
alpha-BHC	319-84-6	0.00014	0.066
beta-BHC	319-85-7	0.00014	0.066
delta-BHC	319-86-8	0.023	0.066
gamma-BHC	58-89-9	0.0017	0.066
Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benz(b)fluoranthene	205-99-2	0.11	6.8
(difficult to distinguish from benzo(k)fluoranthene)			
Benz(k)fluoranthene	207-08-9	0.11	6.8
(difficult to distinguish from benzo(b)fluoranthene)			
Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
Benzo(a)pyrene	50-32-8	0.061	3.4
Bromodichloromethane	75-27-4	0.35	15
Methyl bromide (Bromo-methane)	74-83-9	0.11	15
4-Bromophenyl phenyl ether	101-55-3	0.055	15
n-Butyl alcohol	71-36-3	5.6	2.6
Butyl benzyl phthalate	85-68-7	0.017	28
2-sec-Butyl-4,6-dinitrophenol (Dinoseb)	88-95-7	0.066	2.5
Carbon disulfide	75-15-0	3.8	NA
Carbon tetrachloride	56-23-5	0.057	6.0
Chlordane (alpha and gamma isomers)	57-74-9	0.0033	0.26
p-Chloroaniline	106-47-8	0.46	16
Chlorobenzene	108-90-7	0.057	6.0
Chlorobenzilate	510-15-6	0.10	NA
2-Chloro-1,3-butadiene	126-99-8	0.057	15
Chlorodibromomethane	124-48-1	0.057	6.0
Chloroethane	75-00-3	0.27	6.0
bis(2-Chloroethoxy)-methane	111-91-1	0.036	7.2
bis(2-Chloroethyl)ether	111-44-4	0.033	6.0
Chloroform	67-66-3	0.046	6.0
bis(2-Chloroisopropyl)-ether	39638-32-9	0.055	7.2
p-Chloro-m-cresol	59-50-7	0.018	14
Chloromethane (Methyl chloride)	74-87-3	0.19	30
2-Chloronaphthalene	91-58-7	0.055	5.6
2-Chlorophenol	95-57-8	0.044	5.7

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3-Chloropropylene	107-05-1	0.036	30
Chrysene	218-01-9	0.059	3.4
m-Cresol	95-48-7	0.11	5.6
(difficult to distinguish from p-cresol)	108-39-4	0.77	5.6
p-Cresol	106-44-5	0.77	5.6
(difficult to distinguish from m-cresol)			
Cyclohexane	108-94-1	0.36	NA
1,2-Dibromo-3-chloropropane	96-12-8	0.11	15
Propane			
Ethylene dibromide (1,2-Dibromomethane)	106-93-4	0.028	15
Dibromomethane	74-95-3	0.11	15
2,4-D (2,4-Dichlorophenoxyacetic acid)	94-75-7	0.72	10
o,p'-DDD	53-19-0	0.023	0.087
p,p'-DDD	72-54-8	0.023	0.087
o,p'-DDE	3424-82-6	0.031	0.087
p,p'-DDE	72-55-9	0.031	0.087
o,p'-DDT	789-02-6	0.0039	0.087
p,p'-DDT	50-29-3	0.0039	8.2
Dibenz(a,h)anthracene	53-70-3	0.051	NA
m-Dichlorobenzene	192-65-4	0.061	6.0
o-Dichlorobenzene	541-73-1	0.036	6.0
p-Dichlorobenzene	95-50-1	0.088	6.0
Dichlorodifluoromethane	106-46-7	0.090	6.0
1,1-Dichloroethane	75-71-8	0.23	7.2
1,2-Dichloroethane	78-34-3	0.059	6.0
1,1-Dichloroethylene	107-06-2	0.21	6.0
trans-1,2-Dichloroethylene	75-35-4	0.025	6.0
ethylene	156-60-5	0.054	30
2,4-Dichlorophenol	120-83-2	0.044	14
2,6-Dichlorophenol	87-65-0	0.044	14
1,2-Dichloropropane	78-87-5	0.85	18
cis-1,3-Dichloropropylene	10061-01-5	0.036	18
trans-1,3-Dichloropropylene	10061-02-6	0.036	19
Diethyl phthalate	60-57-1	0.017	0.13
Diethyl phthalate	84-66-2	0.20	28
Dimethyl phthalate	105-67-9	0.036	14
Di-n-butyl phthalate	131-11-3	0.047	28
	84-74-2	0.057	28



## POLLUTION CONTROL BOARD

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1,4-Dinitrobenzene	100-25-4	0.32	2.3
4,6-Dinitro-o-cresol	534-52-1	0.28	160
2,4-Dinitrophenol	51-28-5	0.12	160
2,4-Dinitrotoluene	121-14-2	0.32	140
2,6-Dinitrotoluene	606-20-2	0.55	28
Di-n-octyl phthalate	117-84-0	0.017	28
Di-n-propylnitrosamine	621-64-7	0.40	14
1,4-Dioxane	123-91-1	12.0	170
Diphenylamine (difficult to distinguish from diphenylnitrosamine)	122-39-4	0.92	NA
Diphenylnitrosamine (difficult to distinguish from diphenylamine)	86-30-6	0.92	NA
1,2-Diphenylhydrazine	122-66-7	0.087	NA
Disulfoton	298-04-4	0.017	6.2
Endosulfan I	959-98-8	0.023	0.066
Endosulfan II	33213-6-5	0.029	0.13
Endosulfan sulfate	1031-07-8	0.029	0.13
Endrin	72-20-8	0.0028	0.13
Endrin aldehyde	7421-93-4	0.0025	0.13
Ethyl acetate	141-78-6	0.34	33
Ethyl cyanide (Propane-nitrile)	107-12-0	0.24	360
Ethyl benzene	100-41-4	0.057	10
Ethyl ether	60-29-7	0.12	160
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Ethyl methacrylate	97-63-2	0.14	160
Ethylene oxide	75-21-8	0.12	NA
Famphur	52-85-7	0.017	15
Fluoranthene	206-44-0	0.068	3.4
Fluorene	86-73-7	0.059	3.4
Heptachlor	76-44-8	0.0012	0.066
Heptachlor epoxide	1024-57-3	0.016	0.066
Hexachlorobenzene	118-74-1	0.055	10
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachlorocyclopentadiene	77-47-4	0.057	2.4
HxCDDs (All Hexachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachloro-dibenzo-furans)	NA	0.000063	0.001
Hexachloroethane	67-72-1	0.055	30
Hexachloropropylene	1888-71-7	0.035	30
Indeno (1,2,3-c,d) pyrene	193-39-5	0.0055	3.4

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Iodomethane	74-88-4	0.19	65
Isobutyl alcohol	78-83-1	5.6	170
Isodrin	465-73-6	0.021	0.066
Isosafrole	120-58-1	0.081	2.6
Kepone	143-50-8	0.0011	0.13
Methacrylonitrile	126-98-7	0.24	84
Methanol	67-56-1	5.6	NA
Methacrylonitrile	91-80-5	0.081	1.5
Methoxychlor	72-43-5	0.25	0.18
3-Methylcholanthrene	56-49-5	0.0055	15
4,4-Methylene bis(2-chloroaniline)	101-14-4	0.50	30
Methylene chloride	75-09-2	0.089	30
Methyl ethyl ketone	78-93-3	0.28	36
Methyl isobutyl ketone	108-10-1	0.14	33
Methyl methacrylate	80-52-6	0.14	160
Methyl methanesulfonate	66-27-3	0.018	NA
Methyl parathion	298-00-0	0.014	4.6
Naphthalene	91-20-3	0.059	5.6
2-Naphthylamine	91-59-8	0.52	NA
p-Nitroaniline	100-01-6	0.028	28
Nitrobenzene	98-95-3	0.068	14
5-Nitro-o-toluidine	99-55-8	0.32	28
p-Nitrophenol	100-02-7	0.12	29
N-Nitrosodiethylamine	55-18-5	0.40	28
N-Nitrosodimethylamine	62-75-9	0.40	NA
N-Nitroso-di-n-butyl-amine	924-16-3	0.40	17
N-Nitrosomethylethyl-amine	10595-95-6	0.40	2.3
N-Nitrosomorpholine	59-89-2	0.40	2.3
N-Nitrosopiperidine	100-75-4	0.013	35
N-Nitrosopyrrolidine	930-55-2	0.013	35
Parathion	56-38-2	0.014	4.6
Total PCBs (sum of all PCB isomers, or all Aroclors)	1336-36-3	0.10	10
Pentachlorobenzene	608-93-5	0.055	10
PeCDDs (All Pentachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
PeCDFs (All Pentachloro-dibenzofurans)	NA	0.000035	0.001
Pentachloronitrobenzene	82-68-8	0.055	4.8
Pentachlorophenol	87-86-5	0.089	7.4
Phenacetin	62-44-2	0.081	1.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Phorate	298-02-2	0.021	4.6

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Phthalic anhydride	85-44-9	0.055	NA
Pronamide	23950-58-5	0.093	1.5
Pyrene	129-00-0	0.067	8.2
Pyridine	110-86-1	0.014	16
Safrole	94-59-7	0.081	22
Silvex (2,4,5-TP)	93-72-1	0.72	7.9
2,4,5-T	93-76-5	0.72	7.9
1,2,4,5-Tetrachloro-benzene	93-94-3	0.055	14
TCDDs (All Tetrachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
TCDFs (All Tetrachloro-dibenzofurans)	NA	0.000063	0.001
1,1,1,2-Tetrachloro-ethane	630-20-6	0.057	6.0
1,1,1,2,2-Tetrachloro-ethane	79-34-6	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0
2,3,4,6-Tetrachloro-phenol	58-90-2	0.030	7.4
Toluene	108-88-3	0.080	10
Toxaphene	8001-35-2	0.0095	2.6
Bromoform (Tribromo-methane)	75-25-2	0.63	15
1,2,4-Trichlorobenzene	120-82-1	0.055	19
1,1,1-Trichloroethane	71-55-6	0.054	6.0
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0
Trichloromonofluoro-methane	75-69-4	0.020	30
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
1,2,3-Trichloropropane	96-18-4	0.85	30
1,1,2-Trichloro-1,2,2-trifluoroethane	76-13-1	0.057	30
tris(2,3-Dibromopropyl) phosphate	126-72-7	0.11	NA
Vinyl chloride	75-01-4	0.27	6.0
Xylenes-mixed isomers (sum of o-, m-, and p-xylylene concentrations)	1330-20-7	0.32	30
Antimony	7440-36-0	1.9	1.15 mg/l TCLP
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
Barium	7440-39-3	1.2	21 mg/l TCLP
Beryllium	7440-41-7	0.82	NA
Cadmium	7440-43-9	0.69	0.11 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590

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Cyanides (Amenable)(7)	57-12-5	0.86	NA
Fluoride	16964-48-8	35	NA
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Mercury	7439-97-6	0.15	0.025 mg/l TCLP
Nickel	7440-02-0	3.98	11 mg/l TCLP
Selenium	7782-49-2	0.82	5.7 mg/l TCLP
Silver	7440-22-4	0.43	0.14 mg/l TCLP
Sulfide	8496-25-8	1.4	NA
Thallium	7440-28-0	1.4	NA
Vanadium	7440-62-2	4.3	NA
K001	Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use cresote or pentachlorophenol.		
Naphthalene	91-20-3	0.059	5.6
Pentachlorophenol	87-86-5	0.089	7.4
Phenanthrene	85-01-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylylene concentrations)	1330-20-7	0.32	30
Lead	7439-92-1	0.69	0.75 mg/l TCLP
K002	Wastewater treatment sludge from the production of chrome yellow and orange pigments.		
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP
K003	Wastewater treatment sludge from the production of molybdate orange pigments.		
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP
K004	Wastewater treatment sludge from the production of zinc yellow pigments.		
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP
K005	Wastewater treatment sludge from the production of chrome green pigments.		
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
K006			

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**Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous), Chromium (Total)**

7440-47-3 2.77 0.60 mg/l TCLP  
7439-92-1 0.69 0.75 mg/l TCLP

**K006 Wastewater treatment sludge from the production of chrome oxide green pigments (hydrated), Chromium (Total)**

7440-47-3 2.77 0.60 mg/l TCLP  
7439-92-1 0.69 NA

**K007 Wastewater treatment sludge from the production of iron blue pigments, Chromium (Total)**

7440-47-3 2.77 0.60 mg/l TCLP  
7439-92-1 0.69 0.75 mg/l TCLP

**Cyanides (Total)(7)**

57-12-5 1.2 590

**K008 Oven residue from the production of chrome oxide green pigments, Chromium (Total)**

7440-47-3 2.77 0.60 mg/l TCLP  
7439-92-1 0.69 0.75 mg/l TCLP

**K009 Distillation bottoms from the production of acetaldehyde from ethylene, Chloroform**

67-66-3 0.046 6.0

**K010 Distillation side cuts from the production of acetaldehyde from ethylene, Chloroform**

67-66-3 0.046 6.0

**K011 Bottom stream from the wastewater stripper in the production of acrylonitrile, Acetonitrile**

75-05-8 5.6 38

107-13-1 0.24 84

79-06-1 19 23

71-43-2 0.14 10

57-12-5 1.2 590

**K013 Bottom stream from the acetonitrile column in the production of acrylonitrile, Acetonitrile**

75-05-8 5.6 38

107-13-1 0.24 84

79-06-1 19 23

71-43-2 0.14 10

57-12-5 1.2 590

**K014 Bottoms from the acetonitrile purification column in the production of**

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acrylonitrile,

Acetonitrile

Acrylonitrile

Acrylamide

Benzene

Cyanide (Total)

75-05-8 5.6 38

107-13-1 0.24 84

79-06-1 19 23

71-43-2 0.14 10

57-12-5 1.2 590

K015

Still bottoms from the distillation of benzyl chloride,

Anthrane

Benzal chloride

Benzo(b)fluoranthene

(difficult to

distinguish from benzo-

(k)fluoranthene)

Benzo(k)fluoranthene

(difficult to

distinguish from benzo-

(b)fluoranthene)

Phenanthrene

Toluene

Chromium (Total)

Nickel

85-01-8 0.059 5.6

108-88-3 0.080 10

7440-47-3 2.77 0.60 mg/l TCLP

7440-02-0 3.98 11 mg/l TCLP

K016

Heavy ends or distillation residues from the production of carbon

tetrachloride,

Hexachlorobenzene

Hexachlorobutadiene

Hexachlorocyclopenta-

dien

Hexachloroethane

Tetrachloroethylene

118-74-1 0.055 10

87-68-3 0.055 5.6

77-47-4 0.057 2.4

67-72-1 0.055 30

127-18-4 0.056 6.0

K017

Heavy ends (still bottoms) from the purification column in the production of

epichlorohydrin,

Bis(2-Chloroethyl)ether

1,2-Dichloropropane

1,2,3-Trichloropropane

111-44-4 0.033 6.0

78-87-5 0.85 18

96-18-4 0.85 30

K018

Heavy ends from the fractionation column in ethyl chloride production,

Chloroethane

Chloromethane

1,1-Dichloroethane

1,2-Dichloroethane

Hexachlorobenzene

75-00-3 0.27 6.0

74-87-3 0.19 NA

75-34-3 0.059 6.0

107-06-2 0.21 6.0

118-74-1 0.055 10

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Hexachlorobutadiene	87-58-3	0.055	5.6
Hexachloroethane	67-72-1	0.055	30
Pentachloroethane	75-01-7	NA	6.0
1,1,1-Trichloroethane	71-55-6	0.054	6.0

K019 Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production.

bis(2-Chloroethyl)ether	111-44-4	0.033	6.0
Chlorobenzene	108-90-7	0.057	6.0
Chloroform	67-66-3	0.046	6.0
p-Dichlorobenzene	106-46-7	0.090	NA
1,2-Dichloroethane	107-06-2	0.21	6.0
Fluorene	86-73-7	0.059	NA
Hexachloroethane	67-72-1	0.055	30
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
1,2,4,5-Tetrachloro-benzene	95-94-3	0.055	NA
Tetrachloroethylene	127-18-4	0.056	6.0
1,2,4-Trichlorobenzene	120-82-1	0.055	19
1,1,1-Trichloroethane	71-55-6	0.054	6.0

Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production.			
1,2-Dichloroethane	107-06-2	0.21	6.0
1,1,2,2-Tetrachloro-ethane	79-34-6	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0

## K021 Aqueous spent antimony catalyst waste from fluoromethanes production.

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Antimony	7440-36-0	1.9	1.15 mg/l TCLP

## K022 Distillation bottom tars from the production of phenol or acetone from cumene.

Toluene	108-88-3	0.080	10
Acetophenone	96-86-2	0.010	9.7
Diphenylamine (difficult to distinguish from diphenylnitrosamine)	122-39-4	0.92	13
Diphenylnitrosamine (difficult to distinguish from diphenylamine)	86-30-6	0.92	13

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

diphenylamine)			
Phenol	108-95-2	0.039	6.2
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Nickel	7440-02-0	3.98	11 mg/l TCLP

## K023 Distillation light ends from the production of phthalic anhydride from naphthalene.

Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28

## K024 Distillation bottoms from the production of phthalic anhydride from naphthalene.

Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28

## K025 Distillation bottoms from the production of nitrobenzene by the nitration of benzene.

NA	NA	LLEXT fb SSTRP	CMBST
		fb CAREN; or CMBST	

## K026 Stripping still tails from the production of methyl ethyl pyridines.

NA	NA	CMBST	CMBST
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## K027 Centrifuge and distillation residues from the toluene diisocyanate production.

NA	NA	CAREN; or CMBST	
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## K028 Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane.

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NOTICE OF ADOPTED AMENDMENTS

1,1-Dichloroethane	75-34-3	0.059	6.0
trans-1,2-Dichloroethylene	156-60-5	0.054	30
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachloroethane	67-72-1	0.055	30
Pentachloroethane	76-01-7	NA	6.0
1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0
1,1,2,2-Tetrachloroethane	79-34-6	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0
1,1,1-Trichloroethane	71-55-6	0.054	6.0
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Cadmium	7440-43-9	0.69	NA
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Nickel	7440-02-0	3.98	11 mg/l TCLP

K029 Waste from the product steam stripper in the production of 1,1,1-trichloroethane.

Chloroform	67-66-3	0.046	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
1,1-Dichloroethylene	75-35-4	0.025	6.0
1,1,1-Trichloroethane	71-55-6	0.054	6.0
Vinyl chloride	75-01-4	0.27	6.0

K030 Column bodies or heavy ends from the combined production of trichloroethylene and perchloroethylene.

o-Dichlorobenzene	95-50-1	0.088	NA
p-Dichlorobenzene	106-46-7	0.090	NA
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachloroethane	67-72-1	0.055	30
Hexachloropropylene	1888-71-7	NA	30
Pentachlorobenzene	608-93-5	NA	10
Pentachloroethane	76-01-7	NA	6.0
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
Tetrachloroethylene	127-18-4	0.056	6.0
1,2,4-Trichlorobenzene	120-82-1	0.055	19

K031 By-product salts generated in the production of MSMA and cacodylic acid.

Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
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K032 Wastewater treatment sludge from the production of chloroethane.

POLLUTION CONTROL BOARD  
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Hexachlorocyclopentadiene	77-47-4	0.057	2.4
Chloroethane (alpha and gamma isomers)	57-74-9	0.0033	0.26
Heptachlor	76-44-8	0.0012	0.066
Heptachlor epoxide	1024-57-3	0.016	0.066

K033 Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chloroethane.

Hexachlorocyclopentadiene	77-47-4	0.057	2.4
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K034 Filter solids from the filtration of hexachlorocyclopentadiene in the production of chloroethane.

Hexachlorocyclopentadiene	77-47-4	0.057	2.4
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K035 Wastewater treatment sludges generated in the production of creosote.

Acenaphthene	83-32-9	NA	3.4
Anthracene	120-12-7	NA	3.4
Benz(a)anthracene	56-55-3	0.059	3.4
Benz(a)pyrene	50-32-8	0.061	3.4
Chrysene	218-01-9	0.059	3.4
o-Cresol	95-48-7	0.11	5.6
m-Cresol	108-39-4	0.77	5.6
(difficult to distinguish from p-cresol)			
p-Cresol	106-44-5	0.77	5.6
(difficult to distinguish from m-cresol)			
Dibenz(a,h)anthracene	53-70-3	NA	8.2
Fluoranthene	206-44-0	0.068	3.4
Fluorene	86-73-7	NA	3.4
Indeno(1,2,3-cd)pyrene	193-39-5	NA	3.4
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2

K036 Still bottoms from toluene reclamation distillation in the production of disulfoton.

Disulfoton	298-04-4	0.017	6.2
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## POLLUTION CONTROL BOARD

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K037	Wastewater treatment sludges from the production of disulfoton.				
	Disulfoton	298-04-4	0.017	6.2	
	Toluene	108-88-3	0.080	1.0	
K038	Wastewater from the washing and stripping of phosphate production.				
	Phosphate	298-02-2	0.021	4.6	
K039	Filter cake from the filtration of diethylphosphorodithioic acid in the production of phosphate.	NA	CARBEN; or CMBST		
K040	Wastewater treatment sludge from the production of phosphate.				
	Phosphate	298-02-2	0.021	4.6	
K041	Wastewater treatment sludge from the production of toxaphene.				
	Toxaphene	8001-35-2	0.0095	2.6	
K042	Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T.				
	o-Dichlorobenzene	95-50-1	0.088	6.0	
	p-Dichlorobenzene	106-46-7	0.090	6.0	
	Pentachlorobenzene	608-93-5	0.055	1.0	
	1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	1.4	
	1,4-Trichlorobenzene	120-82-1	0.055	1.9	
K043	2,6-Dichlorophenol waste from the production of 2,4-D.				
	2,6-Dichlorophenol	120-83-2	0.044	1.4	
	2,4-Dichlorophenol	187-65-0	0.044	1.4	
	2,4,5-Trichlorophenol	95-95-4	0.18	7.4	
	2,4,6-Trichlorophenol	88-06-2	0.035	7.4	
	2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4	
	Pentachlorophenol	87-86-5	0.089	7.4	
	Tetrachloroethylene	127-18-4	0.056	6.0	
	HxCDDs (All Hexachloro-dibenzo-p-dioxins)	NA	0.000063	0.001	
	HxCDFs (All Hexachloro-dibenzofurans)	NA	0.000063	0.001	
	PeCDDs (All Pentachloro-NA	NA	0.000063	0.001	

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K044	dibenzo-p-dioxins)				
	PeCDFS (All Pentachloro-dibenzofurans)	NA	0.000035	0.001	
	TCDDs (All Tetrachloro-dibenzo-p-dioxins)	NA	0.000063	0.001	
K045	Wastewater treatment sludges from the manufacturing and processing of explosives.				
	NA	NA	DEACT	DEACT	
K046	Spent carbon from the treatment of wastewater containing explosives.				
	NA	NA	DEACT	DEACT	
K047	Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.				
	Lead	7439-92-1	0.69	0.75 mg/l TCPL	
K048	Pink or red water from TNT operations.				
	NA	NA	DEACT	DEACT	
K049	Dissolved air flotation (DAF) float from the petroleum refining industry.				
	Benzene	71-43-2	0.14	1.0	
	Benz(a)pyrene	50-32-8	0.061	3.4	
	Bis(2-Ethylhexyl)phthalate	117-81-7	0.28	2.8	
	Chrysene	218-01-9	0.059	3.4	
	Di-n-butyl phthalate	84-74-2	0.057	2.8	
	Ethylbenzene	100-41-4	0.057	1.0	
	Fluorene	86-73-7	0.059	NA	
	Naphthalene	91-20-3	0.059	5.6	
	Phenanthrene	85-01-8	0.059	5.6	
	Phenol	108-95-2	0.039	6.2	
	Pyrene	129-00-0	0.067	8.2	
	Toluene	108-88-33	0.080	1.0	
	Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	3.0	
	Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCPL	
	Cyanides (Total)(7)	57-12-5	1.2	590	
	Lead	7439-92-1	0.69	NA	
	Nickel	7440-02-0	NA	11 mg/l TCPL	

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## K049

Slop oil emulsion solids from the petroleum refining industry.

Anthracene	120-12-7	0.059	3.4
Benzene	71-43-2	0.14	10
Benzo(a)pyrene	50-32-8	0.061	3.4
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Carbon disulfide	75-15-0	3.8	NA
Chrysene	2218-01-9	0.059	3.4
2,4-Dimethylphenol	105-67-9	0.036	NA
Ethylbenzene	100-41-4	0.057	10
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Cyanides (Total)(7)	57-12-5	1.2	590
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCPL
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	11 mg/l TCPL

## K050

Heat exchanger bundle cleaning sludge from the petroleum refining industry.

Benzo(a)pyrene	50-32-8	0.061	3.4
Phenol	108-95-2	0.039	6.2
Cyanides (Total)(7)	57-12-5	1.2	590
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCPL
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	11 mg/l TCPL

## K051

API separator sludge from the petroleum refining industry.

Acenaphthene	83-32-9	0.059	NA
Anthracene	120-12-7	0.059	3.4
Benz(a)anthracene	56-55-3	0.059	3.4
Benzene	71-43-2	0.14	10
Benzo(a)pyrene	50-32-8	0.061	3.4
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Chrysene	2218-01-9	0.059	3.4
Di-n-butyl phthalate	105-67-9	0.057	28
Ethylbenzene	100-41-4	0.057	10
Fluorene	86-73-7	0.059	NA
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6

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Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.08	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Cyanides (Total)(7)	57-12-5	1.2	590
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCPL
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	11 mg/l TCPL

K052 Tank bottoms (lead), from the petroleum refining industry.

Benzene	71-43-2	0.14	10
Benzo(a)pyrene	50-32-8	0.061	3.4
o-Cresol	95-48-7	0.11	5.6
m-Cresol	108-39-4	0.77	5.6
(difficult to distinguish from p-cresol)			
p-Cresol	106-44-5	0.77	5.6
(difficult to distinguish from m-cresol)			

2,4-Dimethylphenol	105-67-9	0.036	NA
Ethylbenzene	100-41-4	0.057	10
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Toluene	108-88-3	0.08	10
Xylene-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30

Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCPL
Cyanides (Total)(7)	57-12-5	1.2	590
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	11 mg/l TCPL

K060 Ammonia still lime sludge from coking operations.

Benzene	71-43-2	0.14	10
Benzo(a)pyrene	50-32-8	0.061	3.4
Naphthalene	91-20-3	0.059	5.6
Phenol	108-95-2	0.039	6.2
Cyanides (Total)(7)	57-12-5	1.2	590

K061 Emission control dust or sludge from the primary production of steel in

## POLLUTION CONTROL BOARD

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## electric furnaces.

Antimony	7440-36-0	NA	1.15 mg/l TCLP
Arsenic	7440-38-2	NA	5.0 mg/l TCLP
Barium	7440-39-3	NA	21 mg/l TCLP
Beryllium	7440-41-7	NA	1.22 mg/l TCLP
Cadmium	7440-43-9	0.69	0.11 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Mercury	7439-97-6	NA	0.025 mg/l TCLP
Nickel	7440-02-0	3.98	11 mg/l TCLP
Selenium	7782-49-2	NA	5.7 mg/l TCLP
Silver	7440-22-4	NA	0.14 mg/l TCLP
Thallium	7440-28-0	NA	0.20 mg/l TCLP
Zinc	7440-66-6	NA	4.3 mg/l TCLP

## K062

Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332).

Chromium (Total)	7740-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Nickel	7440-02-0	3.98	NA

## K069

Emission control dust or sludge from secondary lead smelting. - Calcium sulfate (Low Lead) Subcategory

Cadmium	7440-43-9	0.69	0.11 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP

## K069

Emission control dust or sludge from secondary lead smelting. - Non-Calcium sulfate (High Lead) Subcategory

NA	NA	NA	READ
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## K071

K071 (Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used) nonwastewaters that are residues from RMERC.

Mercury	7439-97-6	NA	0.20 mg/l TCLP
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## K071

K071 (Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used) nonwastewaters that are not residues from RMERC.

Mercury	7439-97-6	NA	0.025 mg/l TCLP
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## K071

All K071 wastewaters.

Mercury	7439-97-6	0.15	NA
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## K073

Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production.

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Hexachloroethane	67-72-1	0.055	30
Tetrachloroethylene	127-18-4	0.056	6.0
1,1,1-Trichloroethane	71-55-6	0.054	6.0

## K083

Distillation bottoms from aniline production.

Aniline	62-53-3	0.81	14
Benzene	71-43-2	0.14	10
Cyclohexanone	108-94-1	0.36	NA
Diphenylamine	122-39-4	0.92	13

(difficult to distinguish from

diphenylnitrosamine)

(difficult to distinguish from

diphenylamine)

Nitrobenzene

Phenol

Nickel

86-30-6	0.92	13
98-95-3	0.068	14
108-95-2	0.039	6.2
7440-02-0	3.98	11 mg/l TCLP

## K084

Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.

Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
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## K085

Distillation or fractionation column bottoms from the production of chlorobenzenes.

Benzene	71-43-2	0.14	10
Chlorobenzene	108-90-7	0.057	6.0
m-Dichlorobenzene	541-73-1	0.036	6.0
o-Dichlorobenzene	95-50-1	0.088	6.0
p-Dichlorobenzene	106-46-7	0.090	6.0
Hexachlorobenzene	118-74-1	0.055	10
Total PCBs	1336-36-3	0.10	10

(sum of all PCB isomers,

or all Aroclors)

Pentachlorobenzene

1,2,4,5-Tetrachloro-

benzene

1,2,4-Trichlorobenzene

120-82-1

0.055

0.055

0.055

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## K086

Solvent wastes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, driers, soaps, and stabilizers containing chromium and lead.

Acetone	67-64-1	0.28	160
Acetophenone	96-86-2	0.010	9.7
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
n-Butyl alcohol	71-36-3	5.6	2.6
Butylbenzyl phthalate	85-68-7	0.017	28
Cyclohexanone	108-94-1	0.36	NA
o-Dichlorobenzene	95-50-1	0.088	6.0
Diethyl phthalate	84-66-2	0.20	28
Dimethyl phthalate	131-11-3	0.047	28
Di-n-butyl phthalate	84-74-2	0.057	28
Di-n-octyl phthalate	117-84-0	0.017	28
Ethyl acetate	141-78-6	0.34	33
Ethylbenzene	100-41-4	0.057	30
Methanol	67-56-1	5.6	NA
Methyl ethyl ketone	78-93-3	0.28	36
Methyl isobutyl ketone	108-10-1	0.14	33
Methylene chloride	75-09-2	0.089	30
Naphthalene	91-20-3	0.059	5.6
Nitrobenzene	98-95-3	0.068	14
Toluene	108-88-3	0.080	10
1,1,1-Trichloroethane	71-55-6	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Lead	7439-92-1	0.69	0.75 mg/l TCLP

## K087

Decanter tank tar sludge from coking operations.

Acenaphthylene	208-96-8	0.059	3.4
Benzene	71-43-2	0.14	10
Chrysene	218-01-9	0.059	3.4
Fluoranthene	206-44-0	0.068	3.4
Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Lead	7439-92-1	0.69	0.75 mg/l TCLP

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## K088

Spent potliners from primary aluminum reduction.

Acenaphthene	83-32-9	0.059	3.4
Anthrane	120-12-7	0.059	3.4
Benz(a)anthracene	56-55-3	0.059	3.4
Benz(a)pyrene	50-32-8	0.061	3.4
Benz(b)fluoranthene	205-99-2	0.11	6.8
Benz(k)fluoranthene	207-08-9	0.11	6.8
Benz(g,h,i)perylene	191-24-2	0.0055	1.8
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Fluoranthene	206-44-0	0.068	3.4
Indeno(1,2,3-c,d)pyrene	193-39-5	0.0055	3.4
Phenanthrene	85-01-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Antimony	7440-36-0	1.9	1.15 mg/l TCLP
Arsenic	7440-38-2	1.4	26.1 mg/l TCLP
Barium	7440-39-3	1.2	21 mg/l TCLP
Beryllium	7440-41-7	0.82	1.22 mg/l TCLP
Cadmium	7440-43-9	0.69	0.11 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Mercury	7439-97-6	0.15	0.025 mg/l TCLP
Nickel	7440-02-0	3.98	11 mg/l TCLP
Selenium	7782-49-2	0.82	5.7 mg/l TCLP
Silver	7440-22-4	0.43	0.14 mg/l TCLP
Cyanide (Total)(7)	57-12-5	1.2	590
Cyanide (Amenable)(7)	57-12-5	0.86	30
Fluoride	16984-48-8	35	NA40-mg/l- <del>56</del> HP

K093 Distillation light ends from the production of phthalic anhydride from ortho-xylene.

Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28

## K094

Distillation bottoms from the production of phthalic anhydride from ortho-xylene.

Phthalic anhydride	100-21-0	0.055	28
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## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

(measured as Phthalic acid or Terephthalic acid)  
Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)

85-44-9 0.055 28

## K095 Distillation bottoms from the production of 1,1,1-trichloroethane.

Hexachloroethane 67-72-1 0.055 30  
Pentachloroethane 76-01-7 0.055 6.0  
1,1,1,2-Tetrachloroethane 630-20-6 0.057 6.0  
ethane 79-34-6 0.057 6.0  
ethane 1,1,2,2-Tetrachloroethane 127-18-4 0.056 6.0  
Tetrachloroethylene 79-00-5 0.054 6.0  
Trichloroethylene 79-01-6 0.054 6.0

## K096 Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane.

m-Dichlorobenzene 541-73-1 0.036 6.0  
Pentachloroethane 76-01-7 0.055 6.0  
1,1,1,2-Tetrachloroethane 630-20-6 0.057 6.0  
ethane 79-34-6 0.057 6.0  
ethane 127-18-4 0.056 6.0  
1,2,4-Trichlorobenzene 120-82-1 0.055 19  
1,1,2-Trichloroethane 79-00-5 0.054 6.0  
Trichloroethylene 79-01-6 0.054 6.0

## K097 Vacuum stripper discharge from the chloroethane chlorinator in the production of chloroethane.

Chloroethane (alpha and gamma isomers) 57-74-9 0.0033 0.26  
Heptachlor 76-44-8 0.0012 0.066  
Heptachlor epoxide 1024-57-3 0.016 0.066  
Hexachlorocyclopentadiene 77-47-4 0.057 2.4

## K098 Untreated process wastewater from the production of toxaphene.

Toxaphene 8001-35-2 0.0095 2.6

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## NOTICE OF ADOPTED AMENDMENTS

K099 Untreated wastewater from the production of 2,4-D, 2,4-dichlorophenoxy- 94-75-7 0.72 10  
acetic acid

HxCDDs (All Hexachloro-dibenzo-p-dioxins) NA 0.000063 0.001

HxCDFs (All Hexachloro-dibenzo-furans) NA 0.000063 0.001

PeCDDs (All Pentachloro-dibenzo-p-dioxins) NA 0.000063 0.001

PeCDFs (All Pentachloro-dibenzo-furans) NA 0.000035 0.001

TCDDs (All Tetrachloro-dibenzo-p-dioxins) NA 0.000063 0.001

TCDFs (All Tetrachloro-dibenzo-furans) NA 0.000063 0.001

K100 Waste leaching solution from acid leaching of emission control dust or sludge from secondary lead smelting.

Cadmium 7440-43-9 0.69 0.11 mg/l TCLP

Chromium (Total) 7440-47-3 2.77 0.60 mg/l TCLP

Lead 7439-92-1 0.69 0.75 mg/l TCLP

K101 Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.

o-Nitroaniline 88-74-4 0.27 14

Arsenic 7440-38-2 1.4 5.0 mg/l TCLP

Cadmium 7440-43-9 0.69 NA

Lead 7439-92-1 0.69 NA

Mercury 7439-97-6 0.15 NA

K102 Residue from the use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.

o-Nitrophenol 88-75-5 0.028 13

Arsenic 7440-38-2 1.4 5.0 mg/l TCLP

Cadmium 7440-43-9 0.69 NA

Lead 7439-92-1 0.69 NA

Mercury 7439-97-6 0.15 NA

K103 Process residues from aniline extraction from the production of aniline.

Aniline 62-53-3 0.81 14

Benzene 71-43-2 0.14 10

2,4-Dinitrophenol 51-28-5 0.12 160



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Nitrobenzene	98-95-3	0.068	14
Phenol	108-95-2	0.039	6.2
<b>K104</b>			
Combined wastewater streams generated from nitrobenzene or aniline production.			
Aniline	62-53-3	0.81	14
Benzene	71-43-2	0.14	10
2,4-Dinitrophenol	51-28-5	0.12	160
Nitrobenzene	98-95-3	0.068	14
Phenol	108-95-2	0.039	6.2
Cyanides (Total)(7)	57-12-5	1.2	590
<b>K105</b>			
Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes.			
Benzene	71-43-2	0.14	10
Chlorobenzene	108-90-7	0.057	6.0
2-Chlorophenol	95-57-8	0.044	5.7
p-Dichlorobenzene	95-50-1	0.088	6.0
Phenol	108-95-2	0.039	6.2
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
<b>K106</b>			
K106 (wastewater treatment sludge from the mercury cell process in chlorine production) nonwastewaters that contain greater than or equal to 260 mg/kg total mercury.			
Mercury	7439-97-6	NA	RMERC
<b>K106</b>			
K106 (wastewater treatment sludge from the mercury cell process in chlorine production) nonwastewaters that contain less than 260 mg/kg total mercury that are residues from RMERC.			
Mercury	7439-97-6	NA	0.20 mg/l TCLP
<b>K106</b>			
Other K106 nonwastewaters that contain less than 260 mg/kg total mercury and are not residues from RMERC.			
Mercury	7439-97-6	NA	0.025 mg/l TCLP
<b>K106</b>			
All K106 wastewaters.	7439-97-6	0.15	NA
Mercury			
<b>K107</b>			
Column bottoms from product separation from the production of			

## POLLUTION CONTROL BOARD

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1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	CMBST
<b>K108</b>			
Condensed column overheads from product separation and condensed reactor vent gases from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.			
NA	NA	CMBST; or CHOXD fb BIODG fb CARBN	CMBST
<b>K109</b>			
Spent filter cartridges from product purification from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.			
NA	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	CMBST
<b>K110</b>			
Condensed column overheads from intermediate separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.			
NA	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	CMBST
<b>K111</b>			
Product washwaters from the production of dinitrotoluene via nitration of toluene			
2,4-Dinitrotoluene	121-1-1	0.32	140
2,6-Dinitrotoluene	606-20-2	0.55	28
<b>K112</b>			
Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene.			
NA	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	CMBST
<b>K113</b>			
Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.			

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NA NA CARRN; or  
CMBST

K114  
Vicinals from the purification of toluenediamine in the production of  
toluenediamine via hydrogenation of dinitrotoluene.  
NA CARRN; or  
CMBST

K115  
Heavy ends from the purification of toluenediamine in the production of  
toluenediamine via hydrogenation of dinitrotoluene.  
Nickel 7440-02-0 3.98  
NA NA CARRN; or  
CMBST

K124  
Reactor vent scrubber water from the production of ethylenedisithiocarbamic  
acid and it salts.  
NA NA CMBST;  
or CHOXD fb  
(BIOG or  
CARRN)

K125  
Filtration, evaporation, and centrifugation solids from the production of  
ethylenedisithiocarbamic acid and it salts.  
NA NA CMBST;  
or CHOXD fb  
(BIOG or  
CARRN)

K126  
Baghouse dust and floor sweepings in milling and packaging operations from the  
production or formulation of ethylenedisithiocarbamic acid and its salts.  
NA NA CMBST;  
or CHOXD fb  
(BIOG or  
CARRN)

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NA NA CARRN; or  
CMBST

K117  
Wastewater from the reactor vent gas scrubber in the production of ethylene  
dibromide via bromination of ethene.  
Methyl bromide (Bromo- 74-83-9 0.11 15  
methane)  
Chloroform 67-66-3 0.046 6.0  
Ethylene-dibromide 106-93-4 0.028 15  
(1,2-Dibromoethane)

K118  
Spent absorbent solids from purification of ethylene dibromide in the  
production of ethylene dibromide via bromination of ethene.  
Methyl bromide (Bromo- 74-83-9 0.11 15  
methane)  
Chloroform 67-66-3 0.046 6.0  
Ethylene dibromide 106-93-4 0.028 15  
(1,2-Dibromoethane)

K123  
Process wastewater (including supernates, filtrates, and washwaters) from the  
production of ethylenedisithiocarbamic acid and its salts.  
NA NA CMBST;  
or CHOXD fb;  
(BIOG or  
CARRN)

K131  
Wastewater from the reactor and spent sulfuric acid from the acid dryer from  
the production of methyl bromide.  
Methyl bromide (Bromo- 74-83-9 0.11 15  
methane)

K132  
Spent absorbent and wastewater separator solids from the production of methyl  
bromide.  
Methyl bromide (Bromo- 74-83-9 0.11 15  
methane)

K136  
Still bottoms from the purification of ethylene dibromide in the production of  
ethylene dibromide via bromination of ethene.  
Methyl bromide (Bromo- 74-83-9 0.11 15  
methane)  
Chloroform 67-66-3 0.046 6.0  
Ethylene dibromide 106-93-4 0.028 15  
(1,2-Dibromoethane)

K140  
Floor sweepings-off-specification-product-and-spent-filter-media-from-the  
production-of-2,4,6-tribromophenol

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Benzo(b)fluoranthene (difficult to distinguish from benzo-(k)fluoranthene) 205-99-2 0.11 6.8

Benzo(k)fluoranthene (difficult to distinguish from benzo-(b)fluoranthene) 207-08-9 0.11 6.8

Chrysene 218-01-9 0.059 3.4

**K144**  
Wastewater sump residues from light oil refining, including, but not limited to, intercepting or contamination sump sludges from the recovery of coke by-products produced from coal.

Benzene 71-43-2 0.14 10

Benz(a)anthracene 56-55-3 0.059 3.4

Benz(o)pyrene 50-32-8 0.061 3.4

Benz(b)fluoranthene 205-99-2 0.11 6.8

(difficult to distinguish from benzo-(k)fluoranthene) 207-08-9 0.11 6.8

(difficult to distinguish from benzo-(b)fluoranthene) 218-01-9 0.059 3.4

Chrysene 53-70-3 0.055 8.2

Dibenz(a,h)anthracene 53-70-3 0.055 8.2

**K145**  
Residues from naphthalene collection and recovery operations from the recovery of coke by-products produced from coal.

Benzene 71-43-2 0.14 10

Benz(a)anthracene 56-55-3 0.059 3.4

Benz(o)pyrene 50-32-8 0.061 3.4

Chrysene 218-01-9 0.059 3.4

Dibenz(a,h)anthracene 53-70-3 0.055 8.2

Naphthalene 91-20-3 0.059 5.6

**K147**  
Tar storage tank residues from coal tar refining.

Benzene 71-43-2 0.14 10

Benz(a)anthracene 56-55-3 0.059 3.4

Benz(o)pyrene 50-32-8 0.061 3.4

Benz(b)fluoranthene 205-99-2 0.11 6.8

(difficult to distinguish from benzo-(k)fluoranthene) 207-08-9 0.11 6.8

## POLLUTION CONTROL BOARD

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**2-4,6-Tribromophenol** 118-79-6 9-835 7-4

**K141**  
Process residues from the recovery of coal tar, including, but not limited to, collecting sump residues from the production of coke or the recovery of coke by-products produced from coal. This listing does not include K087 (decanter tank tar sludge from coking operations).

Benzene 71-43-2 0.14 10

Benz(a)anthracene 56-55-3 0.059 3.4

Benz(o)pyrene 50-32-8 0.061 3.4

Benz(b)fluoranthene 205-99-2 0.11 6.8

(difficult to distinguish from benzo-(k)fluoranthene) 207-08-9 0.11 6.8

Benz(k)fluoranthene (difficult to distinguish from benzo-(b)fluoranthene) 218-01-9 0.059 3.4

Chrysene 53-70-3 0.055 8.2

Dibenz(a,h)anthracene 53-70-3 0.055 8.2

Indeno(1,2,3-cd)pyrene 193-39-5 0.0055 3.4

**K142**  
Tar storage tank residues from the production of coke from coal or from the recovery of coke by-products produced from coal.

Benzene 71-43-2 0.14 10

Benz(a)anthracene 56-55-3 0.059 3.4

Benz(o)pyrene 50-32-8 0.061 3.4

Benz(b)fluoranthene 205-99-2 0.11 6.8

(difficult to distinguish from benzo-(k)fluoranthene) 207-08-9 0.11 6.8

Benz(k)fluoranthene (difficult to distinguish from benzo-(b)fluoranthene) 218-01-9 0.059 3.4

Chrysene 53-70-3 0.055 8.2

Dibenz(a,h)anthracene 53-70-3 0.055 8.2

Indeno(1,2,3-cd)pyrene 193-39-5 0.0055 3.4

**Indeno(1,2,3-cd)pyrene**

**K143**  
Process residues from the recovery of light oil, including, but not limited to, those generated in stills, decanters, and wash oil recovery units from the recovery of coke by-products produced from coal.

Benzene 71-43-2 0.14 10

Benz(a)anthracene 56-55-3 0.059 3.4

Benz(o)pyrene 50-32-8 0.061 3.4

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(difficult to distinguish from benzofluoranthene)	
Chrysene	0.059
Dibenz(a,h)anthracene	0.055
Indeno(1,2,3-cd)pyrene	0.0055
193-39-5	3.4
K148	
Residues from coal tar distillation, including, but not limited to, still bottoms.	
Benz(a)anthracene	0.059
Benz(a)pyrene	0.061
Benz(b)fluoranthene	0.11
(difficult to distinguish from benzofluoranthene)	
Benz(k)fluoranthene	0.11
207-08-9	6.8
(difficult to distinguish from benzofluoranthene)	
Chrysene	0.059
Dibenz(a,h)anthracene	0.055
Indeno(1,2,3-cd)pyrene	0.0055
193-39-5	3.4

K149 Distillation bottoms from the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups. (This waste does not include still bottoms from the distillations of benzyl chloride.)

Chlorobenzene	0.057
108-90-7	6.0
Chloroform	0.046
74-66-3	6.0
Chloromethane	0.19
74-87-3	3.0
p-Dichlorobenzene	0.090
106-46-7	6.0
Hexachlorobenzene	0.055
118-74-1	10
Pentachlorobenzene	0.055
608-93-5	10
1,2,4,5-Tetrachlorobenzene	0.055
95-94-3	14
Toluene	0.080
108-88-3	10

K150 Organic residuals, excluding spent carbon adsorbent, from the spent chlorine gas and hydrochloric acid recovery processes associated with the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.

Carbon tetrachloride	0.057
56-23-5	6.0
Chloroform	0.046
67-66-3	6.0
Chloromethane	0.19
74-87-3	3.0
p-Dichlorobenzene	0.090
106-46-7	6.0

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Hexachlorobenzene	118-74-1	0.055	10
Pentachlorobenzene	608-93-5	0.055	10
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
79-34-5	0.057		
Tetrachloroethylene	127-18-4	0.056	6.0
1,2,4-Trichlorobenzene	120-82-1	0.055	19

## K151

Wastewater treatment sludges, excluding neutralization and biological sludges, generated during the treatment of wastewaters from the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.

Benzene	71-43-2	0.14	10
Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Hexachlorobenzene	118-74-1	0.055	10
Pentachlorobenzene	608-93-5	0.055	10
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
benzene			
Tetrachloroethylene	127-18-4	0.056	6.0
Toluene	108-88-3	0.080	10

## K156

Organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes.(10)

Acetonitrile	75-05-8	5.6	1.8
Acetophenone	96-86-2	0.010	9.7
Aniline	62-53-3	0.81	1.4
Benzoyl	17804-35-2	0.056	1.4
Benzene	71-43-2	0.14	10
Carbaryl	63-25-21	0.006	0.14
Carbenzadim	10605-21-7	0.056	1.4
Carbofuran	1563-66-2	0.006	0.14
Carbosulfan	55285-14-8	0.028	1.4
Chlorobenzene	108-90-7	0.057	6.0
Chloroform	67-66-3	0.046	6.0
o-Dichlorobenzene	95-50-1	0.088	6.0
Methomyl	16752-77-5	0.028	0.14
Methylene chloride	75-09-2	0.089	30
Methyl ethyl ketone	78-93-3	0.28	36
Naphthalene	91-20-3	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyridine	110-86-1	0.014	16
Toluene	108-88-3	0.080	10
Triethylamine	121-44-8	0.081	1.5

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<b>K157</b>	Wastewaters (including scrubber waters, condenser waters, washwaters, and separation waters) from the production of carbamates and carbamoyl oximes.	
Carbon tetrachloride	56-23-5	0.057
Chloroform	67-66-3	0.046
Chloromethane	74-87-3	0.19
Methomyl	16752-77-5	0.14
Methylene chloride	75-09-2	0.089
Methyl ethyl ketone	78-93-3	0.28
Pyridine	110-86-1	0.014
Triethylamine	121-44-8	0.081
		1.5
<b>K158</b>	Baghouse dusts and filter/separation solids from the production of carbamates and carbamoyl oximes.	
Benzoyl	17804-35-2	0.056
Benzene	71-43-2	0.14
Carbenzadim	10605-21-7	0.056
Carbofuran	1563-66-2	0.006
Carbosulfan	55285-14-8	0.028
Chloroform	67-66-3	0.046
Methylene chloride	75-09-2	0.089
Phenol	108-95-2	0.039

**K159** Organics from the treatment of thiocarbamate wastes.(10)

Benzene	71-43-2	0.14
Butylate	2008-41-5	0.042
EPTC (Eptam)	759-94-4	0.042
Molinate	2212-67-1	0.042
Pebulate	1114-71-2	0.042
Vernolate	1929-77-7	0.042
<b>K161</b>	Purification solids (including filtration, evaporation, and centrifugation solids), baghouse dust and floor sweepings from the production of dithiocarbamate acids and their salts.	
Antimony	7440-36-0	1.9
Arsenic	7440-38-2	1.4
Carbon disulfide	75-15-0	3.8
Dithiocarbamates (total)	137-30-4	0.028
Lead	7439-92-1	0.69
Nickel	7440-02-0	3.98
Selenium	7782-49-2	0.82

**K169** Crude oil tank sediment from petroleum refining operations.  
Benz(a)anthracene 56-55-3 0.059

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Benzene	71-43-2	0.14
Benz(o,g,h,i)perylene	191-24-2	0.0055
Chrysene	218-01-9	0.059
Ethyl benzene	100-41-4	0.057
Fluorene	86-73-7	0.059
Naphthalene	91-20-3	0.059
Phenanthrene	81-05-8	0.059
Pyrene	129-00-0	0.067
Toluene (Methyl Benzene)	108-88-3	0.080
Xylenes	1330-20-7	0.32

**K170** Clarified slurry oil sediment from petroleum refining operations.  
Benz(a)anthracene 56-55-3 0.059 3.4  
Benzene 71-43-2 0.14 10  
Benz(o,g,h,i)perylene 191-24-2 0.0055 1.8  
Chrysene 218-01-9 0.059 3.4  
Dibenz(a,h)anthracene 53-70-3 0.055 8.2  
Ethyl benzene 100-41-4 0.057 10  
Fluorene 86-73-7 0.059 3.4  
Indeno(1,2,3-cd)pyrene 193-30-5 0.0055 3.4  
Naphthalene 91-20-3 0.059 5.6  
Phenanthrene 81-05-8 0.059 5.6  
Pyrene 129-00-0 0.067 8.2  
Toluene (Methyl Benzene) 108-88-3 0.080 10  
Xylenes 1330-20-7 0.32 30

**K171** Spent hydrotreating catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors. (This listing does not include inert support media.)  
Benz(a)anthracene 56-55-3 0.059 3.4  
Benzene 71-43-2 0.14 10  
Chrysene 218-01-9 0.059 3.4  
Ethyl benzene 100-41-4 0.057 10  
Naphthalene 91-20-3 0.059 5.6  
Phenanthrene 81-05-8 0.059 5.6  
Pyrene 129-00-0 0.067 8.2  
Toluene (Methyl Benzene) 108-88-3 0.080 10  
Xylenes 1330-20-7 0.32 30  
Arsenic 7740-38-2 1.4  
Nickel 7440-02-0 3.98  
Vanadium 7440-62-2 4.3  
Reactive sulfides NA DEACT

**K172** Spent hydrorefining catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors. (This listing does not include inert support media.)  
Benz(a)anthracene 56-55-3 0.059 3.4  
Benzene 71-43-2 0.14 10  
Chrysene 218-01-9 0.059 3.4  
Ethyl benzene 100-41-4 0.057 10  
Naphthalene 91-20-3 0.059 5.6  
Phenanthrene 81-05-8 0.059 5.6  
Pyrene 129-00-0 0.067 8.2  
Toluene (Methyl Benzene) 108-88-3 0.080 10  
Xylenes 1330-20-7 0.32 30  
Arsenic 7740-38-2 1.4  
Nickel 7440-02-0 3.98  
Vanadium 7440-62-2 4.3  
Reactive sulfides NA DEACT



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

listing does not include inert support media.)

Benzene	71-43-2	0.14
Ethyl benzene	100-41-4	0.057
Toluene (Methyl Benzene)	108-88-3	0.080
Xylenes (Methyls) (Total)	1330-20-7	0.32
Antimony	7740-36-0	1.9
Arsenic	7740-38-2	1.4
Nickel	7440-02-0	3.98
Vanadium	7440-62-2	4.3
Reactive Sulfides	NA	DEACT

P001 Warfarin, & salts, when present at concentrations greater than 0.3 percent

Warfarin	81-81-2	(WETOX or CHOXD) fb	CMBST
		CAREN; or	
		CMBST	

P002 1-Acetyl-2-thiourea  
1-Acetyl-2-thiourea

	591-08-2	(WETOX or CHOXD) fb	CMBST
		CAREN; or	
		CMBST	

P003

Acrolein  
Acrolein

	107-02-8	0.29	CMBST
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P004

Aldrin  
Aldrin

	309-00-2	0.021	0.066
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P005

Allyl alcohol  
Allyl alcohol

	107-18-6	(WETOX or CHOXD) fb	CMBST
		CAREN; or	
		CMBST	

P006

Aluminum phosphide  
Aluminum phosphide

	20859-73-8	CHOXD; CHRED;	
		or CMBST	

P007

5-Aminomethyl-3-isoxazolol

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

5-Aminomethyl-3-isoxazolol	2763-96-4	(WETOX or CHOXD) fb	CMBST
		CAREN; or	
		CMBST	
P008			
4-Aminopyridine			
4-Aminopyridine	504-24-5	(WETOX or CHOXD) fb	CMBST
		CAREN; or	
		CMBST	

P009

Ammonium picrate  
Ammonium picrate

	131-74-8	CHOXD; CHRED;	
		CAREN; BIOG;	
		or CMBST	

P010

Arsenic acid  
Arsenic

	7440-38-2	1.4	5.0 mg/l TCLP
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P011

Arsenic pentoxide  
Arsenic

	7440-38-2	1.4	5.0 mg/l TCLP
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P012

Arsenic trioxide  
Arsenic

	7440-38-2	1.4	5.0 mg/l TCLP
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P013

Barium cyanide  
Barium cyanide

	7440-39-3	NA	21 mg/l TCLP
	57-12-5	1.2	590
	57-12-5	0.86	30

P014

Thiophenol (Benzene thiol)  
Thiophenol (Benzene thiol)

	108-98-5	(WETOX or CHOXD) fb	CMBST
		CAREN; or	
		CMBST	

P015

Beryllium dust  
Beryllium

	7440-41-7	RMETL; or RTHRM	RMETL; or RTHRM
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## ILLINOIS REGISTER

POLLUTION CONTROL BOARD  
NOTICE OF ADOPTED AMENDMENTS

P026	1-(o-Chlorophenyl)thiourea 1-(o-Chlorophenyl)thio- urea	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P027	3-Chloropropionitrile 3-Chloropropionitrile	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P028	Benzyl chloride Benzyl chloride	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P029	Copper cyanide Cyanides (Total)(7) Cyanides (Amenable)(7)	57-12-5 57-12-5 0.86	590 30
P030	Cyanides (soluble salts and complexes) Cyanides (Total)(7) Cyanides (Amenable)(7)	57-12-5 57-12-5 0.86	590 30
P031	Cyanogen Cyanogen	CHOXD; WETOX; or CMBST	CHOXD; WETOX; or CMBST
P033	Cyanogen chloride Cyanogen chloride	506-77-4	CHOXD; WETOX; or CMBST
P034	2-Cyclohexyl-4,6-dinitrophenol 2-Cyclohexyl-4,6- dinitrophenol	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

## ILLINOIS REGISTER

POLLUTION CONTROL BOARD  
NOTICE OF ADOPTED AMENDMENTS

P016	Dichloromethyl ether (Bis(chloromethyl)ether) Dichloromethyl ether	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P017	Bromoacetone Bromoacetone	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P018	Brucine Brucine	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P020	2-sec-Butyl-4,6-dinitrophenol (Dinoseb) 2-sec-Butyl-4,6-dinitro- phenol (Dinoseb)	0.066	2.5
P021	Calcium cyanide Cyanides (Total)(7) Cyanides (Amenable)(7)	57-12-5 57-12-5 0.86	590 30
P022	Carbon disulfide Carbon disulfide Carbon disulfide; alternate(6) standard for nonwastewaters only	75-15-0 75-15-0 NA	CMBST 4.8 mg/l TCLP
P023	Chloroacetaldehyde Chloroacetaldehyde	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P024	p-Chloroaniline p-Chloroaniline	106-47-8	16

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

P036 Dichlorophenylarsine Arsenic	7440-38-2	1.4	5.0 mg/l TCLP		
P037 Dieldrin Dieldrin	60-57-1	0.017	0.13		
P038 Diethylarsine Arsenic	7440-38-2	1.4	5.0 mg/l TCLP		
P039 Disulfoton Disulfoton	298-04-4	0.017	6.2		
P040 O,O-Diethyl-O-pyrazinyl-phosphorothioate O,O-diethyl-O-pyrazinyl- 297-97-2 phosphorothioate		CARBEN; or CMBST	CMBST		
P041 Diethyl-p-nitrophenyl phosphate Diethyl-p-nitrophenyl 311-45-5 phosphate		CARBEN; or CMBST	CMBST		
P042 Epinephrine Epinephrine	51-43-4	(WETOX or CHOXD) fb CARBEN; or CMBST	CMBST		
P043 Diisopropylfluorophosphate (DFP) Diisopropylfluoro- 55-91-4 phosphate (DFP)		CARBEN; or CMBST	CMBST		
P044 Dimethoate Dimethoate	60-51-5	CARBEN; or CMBST	CMBST		
P045 Thiofanox Thiofanox	39196-18-4	(WETOX or CHOXD) fb CARBEN; or CMBST	CMBST		
P046 alpha,alpha-Dimethylphenethylamine alpha,alpha-Dimethyl- 122-09-8 phenethylamine		(WETOX or CHOXD) fb CARBEN; or CMBST	CMBST		
P047 4,6-Dinitro-o-cresol 4,6-Dinitro-o-cresol	543-52-1	0.28	160		
P047 4,6-Dinitro-o-cresol salts NA	NA	(WETOX or CHOXD) fb CARBEN; or CMBST	CMBST		
P048 2,4-Dinitrophenol 2,4-Dinitrophenol	51-28-5	0.12	160		
P049 Dithiobiuret Dithiobiuret	541-53-7	(WETOX or CHOXD) fb CARBEN; or CMBST	CMBST		
P050 Endosulfan Endosulfan I Endosulfan II Endosulfan sulfate	939-98-8 33213-6-5 1031-07-8	0.023 0.029 0.029	0.066 0.13 0.13		
P051 Endrin Endrin Endrin aldehyde	72-20-8 7421-93-4	0.0028 0.025	0.13 0.13		
P054 Aziridine Aziridine	151-56-4	(WETOX or CHOXD) fb CARBEN; or CMBST	CMBST		

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

P046 alpha,alpha-Dimethylphenethylamine alpha,alpha-Dimethyl- 122-09-8 phenethylamine		CMBST			
P047 4,6-Dinitro-o-cresol 4,6-Dinitro-o-cresol	543-52-1	0.28	160		
P047 4,6-Dinitro-o-cresol salts NA	NA	(WETOX or CHOXD) fb CARBEN; or CMBST	CMBST		
P048 2,4-Dinitrophenol 2,4-Dinitrophenol	51-28-5	0.12	160		
P049 Dithiobiuret Dithiobiuret	541-53-7	(WETOX or CHOXD) fb CARBEN; or CMBST	CMBST		
P050 Endosulfan Endosulfan I Endosulfan II Endosulfan sulfate	939-98-8 33213-6-5 1031-07-8	0.023 0.029 0.029	0.066 0.13 0.13		
P051 Endrin Endrin Endrin aldehyde	72-20-8 7421-93-4	0.0028 0.025	0.13 0.13		
P054 Aziridine Aziridine	151-56-4	(WETOX or CHOXD) fb CARBEN; or CMBST	CMBST		



POLLUTION CONTROL BOARD		POLLUTION CONTROL BOARD	
NOTICE OF ADOPTED AMENDMENTS		NOTICE OF ADOPTED AMENDMENTS	
P070 Aldicarb Aldicarb	116-06-3	P081 Nitroglycerin Nitroglycerin	55-63-0
	(WETOX or CHOXD) fb CARBN; or CMBST		CHOXD; CHRED; or CMBST
P071 Methyl parathion Methyl parathion	298-00-0	P082 N-Nitrosodimethylamine N-Nitrosodimethylamine	62-75-9
	0.014		0.40
P072 1-Naphthyl-2-thiourea 1-Naphthyl-2-thiourea	86-88-4	P084 N-Nitrosomethylvinylamine N-Nitrosomethylvinyl- amine	4549-40-0
	(WETOX or CHOXD) fb CARBN; or CMBST		(WETOX or CHOXD) fb CARBN; or CMBST
P073 Nickel carbonyl Nickel	7440-02-0	P085 Octamethylpyrophosphoramide Octamethylpyrophosphor- amide	152-16-9
	3.98		CARBN; or CMBST
P074 Nickel cyanide Cyanides (Total)(7) Cyanides (Amenable)(7) Nickel	57-12-5 57-12-5 7440-02-0	P087 Osmium tetroxide Osmium tetroxide	20816-12-0
	1.2 0.86 3.98		RMETL; or RTHRM
P075 Nicotine and salts Nicotine and salts	54-11-5	P088 Endothall Endothall	145-73-3
	(WETOX or CHOXD) fb CARBN; or CMBST		(WETOX or CHOXD) fb CARBN; or CMBST
P076 Nitric oxide Nitric oxide	10102-43-9	P089 Parathion Parathion	56-38-2
	ADGAS		0.014
P077 P-Nitroaniline P-Nitroaniline	100-01-6	P092 P092 (phenyl mercuric acetate) nonwastewaters, regardless of their total mercury content, that are not incinerator residues or are not residues from RMERC. Mercury	7439-97-6
	0.028		NA
P078 Nitrogen dioxide Nitrogen dioxide	10102-44-0		4.6
	ADGAS		IMERC; or RMERC



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

260 mg/kg total mercury. Mercury	7439-97-6	NA	RMERC	
P092				
P092 (phenyl mercuric acetate) nonwastewaters that are residues from RMERC and contain less than 260 mg/kg total mercury. Mercury	7439-97-6	NA	0.20 mg/l TCLP	
P092				
P092 (phenyl mercuric acetate) nonwastewaters that are incinerator residues and contain less than 260 mg/kg total mercury. Mercury	7439-97-6	NA	0.025 mg/l TCLP	
P092				
All P092 (phenyl mercuric acetate) wastewaters. Mercury	7439-97-6	NA	NA	
P093				
Phenylthiourea Phenylthiourea	103-85-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
P094				
Phorate Phorate	298-02-2	0.021	4.6	
P095				
Phosgene Phosgene	75-44-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
P096				
Phosphine Phosphine	7803-51-2	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST	
P097				
Famphur Famphur	52-85-7	0.017	15	
P098				
Potassium cyanide- Cyanides (Total)(7) Cyanides (Amenable)(7)	57-12-5 57-12-5	1.2 0.86	590 30	

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

P099				
Potassium silver cyanide Cyanides (Total)(7) Cyanides (Amenable)(7) Silver	57-12-5 57-12-5 7440-22-4	1.2 0.86 0.43	590 30 0.14 mg/l TCLP	
P101				
Ethyl cyanide (Propanenitrile) Ethyl cyanide (Propanenitrile)	107-12-0	0.24	360	
P102				
Propargyl alcohol Propargyl alcohol	107-19-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
P103				
Selenourea Selenium	7782-49-2	0.82	5.7 mg/l TCLP	
P104				
Silver cyanide Cyanides (Total)(7) Cyanides (Amenable)(7) Silver	57-12-5 57-12-5 7440-22-4	1.2 0.86 0.43	590 30 0.14 mg/l TCLP	
P105				
Sodium azide Sodium azide	26628-22-8	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST	
P106				
Sodium cyanide Cyanides (Total)(7) Cyanides (Amenable)(7)	57-12-5 57-12-5	1.2 0.86	590 30	
P108				
Strychnine and salts Strychnine and salts	57-24-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
P109				
Tetraethylthiopyrophosphate				

POLLUTION CONTROL BOARD			POLLUTION CONTROL BOARD				
NOTICE OF ADOPTED AMENDMENTS			NOTICE OF ADOPTED AMENDMENTS				
Tetraethyldithiopyro- phosphate	3689-24-5	CARB; or CMBST	CMBST	Vanadium (measured in wastewaters only)	7440-62-2	4.3	STABL
P110 Tetraethyl lead	7439-92-1	0.69	0.75 mg/l TCLP	P120 Vanadium pentoxide Vanadium (measured in wastewaters only)	7440-62-2	4.3	STABL
P111 Tetraethylypyrophosphate	107-49-3	CARB; or CMBST	CMBST	P121 Zinc cyanide Cyanides (Total)(7) Cyanides (Amenable)(7)	57-12-5 57-12-5	1.2 0.86	590 30
P112 Tetranitromethane	509-14-8	CHOXD; CHRED; CARBN; BIOGD; or CMBST	CHOXD; CHRED; or CMBST	P122 Zinc phosphide Zinc Phosphide	Zn[3]P[2], when present at concentrations greater than 10 percent		
P113 Thallic oxide	7440-28-0	1.4	RTHRM; or STABL	P123 Toxaphene Toxaphene	1314-84-7	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST
P114 Thallium selenite	7782-49-2	0.82	5.7 mg/l TCLP	P127 Carbofuran Carbofuran	1563-66-2	0.006	0.14
P115 Thallium (I) sulfate	7440-28-0	1.4	RTHRM; or STABL	P128 Mexacarbate Mexacarbate	315-18-4	0.056	1.4
P116 Thiosemicarbazide	79-19-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	P185 Tirpate(10) Tirpate	26419-73-8	0.056	0.28
P118 Trichloromethanethiol	75-70-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	P188 Physostigmine salicylate Physostigmine salicylate	57-64-7	0.056	1.4
				P189 Carbosulfan Carbosulfan	55285-14-8	0.028	1.4
P119 Ammonium vanadate				P190 Metolcarb Metolcarb	1129-41-5	0.056	1.4

POLLUTION CONTROL BOARD  
NOTICE OF ADOPTED AMENDMENTS

P191 Dimetilan(10) Dimetilan	644-64-4	0.056	1.4
P192 Isolan(10) Isolan	119-38-0	0.056	1.4
P194 Oxamyl Oxamyl	23135-22-0	0.056	0.0028
P196 Manganese dimethyldithiocarbamates (total) Dithiocarbamates (total)	NA	0.028	28
P197 Formparanate(10) Formparanate	17702-57-7	0.056	1.4
P198 Formetanate hydrochloride Formetanate hydro- chloride	23422-53-9	0.056	1.4
P199 Methiocarb Methiocarb	2032-65-7	0.056	1.4
P201 Promecarb Promecarb	2631-37-0	0.056	1.4
P202 m-Cumenyl methylcarbamate m-Cumenyl methyl- carbamate	64-00-6	0.056	1.4
P203 Aldicarb sulfone Aldicarb sulfone	1646-88-4	0.056	0.28
P204 Physostigmine Physostigmine	57-47-6	0.056	1.4
P205			

POLLUTION CONTROL BOARD  
NOTICE OF ADOPTED AMENDMENTS

Zirnan Dithiocarbamates (total)	NA	0.028	28
U001 Acetaldehyde Acetaldehyde	75-07-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U002 Acetone Acetone	67-64-1	0.28	160
U003 Acetonitrile Acetonitrile; Acetonitrile; alternate (6) standard for nonwastewaters only	75-05-8 75-05-8	5.6 NA	CMBST 38
U004 Acetophenone Acetophenone	98-86-2	0.010	9.7
U005 2-Acetylaminofluorene 2-Acetylaminofluorene	53-96-3	0.059	140
U006 Acetyl chloride Acetyl chloride	75-36-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U007 Acrylamide Acrylamide	79-06-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U008 Acrylic acid Acrylic acid	79-10-7	(WETOX or	CMBST



POLLUTION CONTROL BOARD  
NOTICE OF ADOPTED AMENDMENTS

U035 Chlorambucil Chlorambucil	305-03-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U036 Chlordane Chlordane (alpha and gamma isomers)	57-74-9	0.0033	0.26
U037 Chlorobenzene Chlorobenzene	108-90-7	0.057	6.0
U038 Chlorobenzilate Chlorobenzilate	510-15-6	0.10	CMBST
U039 P-Chloro-m-cresol P-Chloro-m-cresol	59-50-7	0.018	14
U041 Epichlorohydrin (1- Chloro-2,3-epoxypropane) Epichlorohydrin (1- Chloro-2,3-epoxypropane)	106-89-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U042 2-Chloroethyl vinyl ether 2-Chloroethyl vinyl ether	110-75-8	0.062	CMBST
U043 Vinyl chloride Vinyl chloride	75-01-4	0.27	6.0
U044 Chloroform Chloroform	67-66-3	0.046	6.0
U045 Chloromethane (Methyl chloride)			

POLLUTION CONTROL BOARD  
NOTICE OF ADOPTED AMENDMENTS

Chlornaphazine Chlornaphazine	494-03-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U027 bis(2-Chloroisopropyl)ether bis(2-Chloroisopropyl) ether	39638-32-9	0.055	7.2
U028 bis(2-Ethylhexyl)phthalate bis(2-Ethylhexyl)- phthalate	117-81-7	0.28	28
U029 Methyl bromide (Bromomethane) Methyl bromide (Bromo- methane)	74-83-9	0.11	15
U030 4-Bromophenyl phenyl ether 4-Bromophenyl phenyl ether	101-55-3	0.055	15
U031 n-Butyl alcohol n-Butyl alcohol	71-36-3	5.6	2.6
U032 Calcium chromate Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
U033 Carbon oxyfluoride Carbon oxyfluoride	353-50-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U034 Trichloroacetaldehyde (Chloral) Trichloroacetaldehyde (Chloral)	75-87-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST



POLLUTION CONTROL BOARD  
NOTICE OF ADOPTED AMENDMENTS

Chloromethane (Methyl chloride)	74-87-3	0.19	30	
U046 Chloromethyl methyl ether Chloromethyl methyl ether	107-30-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U047 2-Chloronaphthalene 2-Chloronaphthalene	91-58-7	0.055	5.6	
U048 2-Chlorophenol 2-Chlorophenol	95-57-8	0.044	5.7	
U049 4-Chloro-o-toluidine hydrochloride 4-Chloro-o-toluidine hydrochloride	3165-93-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U050 Chrysene Chrysene	218-01-9	0.059	3.4	
U051 Creosote Naphthalene Pentachlorophenol Phenanthrene Pyrene Toluene Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	91-20-3 87-86-5 85-01-8 129-00-0 108-88-3 1330-20-7	0.059 0.089 0.059 0.067 0.080 0.32	5.6 7.4 5.6 8.2 10 30	
Lead	7439-92-1	0.69	0.75 mg/l TCCLP	
U052 Cresols (Cresylic acid) o-Cresol m-Cresol (difficult to distinguish from p-cresol)	95-48-7 108-39-4	0.11 0.77	5.6 5.6	

POLLUTION CONTROL BOARD  
NOTICE OF ADOPTED AMENDMENTS

p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77	5.6	
Cresol-mixed isomers (Cresylic acid) (sum of o-, m-, and p-cresol concentrations)	1319-77-3	0.88	11.2	
U053 Crotonaldehyde Crotonaldehyde	4170-30-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U055 Cumene Cumene	98-82-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U056 Cyclohexane Cyclohexane	110-82-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U057 Cyclohexanone Cyclohexanone Cyclohexanone; alternate(6) standard for nonwastewaters only	108-94-1 108-94-1	0.36 NA	CMBST 0.75 mg/l TCCLP	
U058 Cyclophosphamide Cyclophosphamide	50-18-0	CARBN; or CMBST	CMBST	
U059 Daunomycin Daunomycin	20830-81-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	

POLLUTION CONTROL BOARD  
NOTICE OF ADOPTED AMENDMENTS

U060 DDD	53-19-0 72-54-8	0.023 0.023	0.087 0.087	
U061 DDT	789-02-6 50-29-3 53-19-0 72-54-8 3424-82-6 72-55-9	0.0039 0.0039 0.023 0.023 0.031 0.031	0.087 0.087 0.087 0.087 0.087 0.087	
U062 Diallate Diallate	2303-16-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U063 Dibenz(a,h)anthracene Dibenz(a,h)anthracene	53-70-3	0.055	8.2	
U064 Dibenz(a,i)pyrene Dibenz(a,i)pyrene	189-55-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U066 1,2-Dibromo-3-chloro- propane 1,2-Dibromo-3- chloropropane	96-12-8	0.11	15	
U067 Ethylene dibromide (1,2-Dibromoethane) Ethylene dibromide (1,2-Dibromoethane)	106-93-4	0.028	15	
U068 Dibromomethane Dibromomethane	74-95-3	0.11	15	
U069				

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Di-n-butyl phthalate Di-n-butyl phthalate	84-74-2	0.057	28	
U070 o-Dichlorobenzene o-Dichlorobenzene	95-50-1	0.088	6.0	
U071 m-Dichlorobenzene m-Dichlorobenzene	541-73-1	0.036	6.0	
U072 p-Dichlorobenzene p-Dichlorobenzene	106-46-7	0.090	6.0	
U073 3,3'-Dichlorobenzidine 3,3'-Dichlorobenzidine	91-94-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U074 1,4-Dichloro-2-butene cis-1,4-Dichloro-2- butene	1476-11-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
trans-1,4-Dichloro-2- butene	764-41-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U075 Dichlorodifluoromethane Dichlorodifluoromethane	75-71-8	0.23	7.2	
U076 1,1-Dichloroethane 1,1-Dichloroethane	75-34-3	0.059	6.0	
U077 1,2-Dichloroethane 1,2-Dichloroethane	107-06-2	0.21	6.0	
U078 1,1-Dichloroethylene 1,1-Dichloroethylene	75-35-4	0.025	6.0	

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U079 1,2-Dichloroethylene trans-1,2-Dichloro- ethylene	156-60-5	0.054	30
U080 Methylene chloride Methylene chloride	75-09-2	0.089	30
U081 2,4-Dichlorophenol 2,4-Dichlorophenol	120-83-2	0.044	14
U082 2,6-Dichlorophenol 2,6-Dichlorophenol	87-65-0	0.044	14
U083 1,2-Dichloropropane 1,2-Dichloropropane	78-87-5	0.85	18
U084 1,3-Dichloropropylene cis-1,3-Dichloro- propylene trans-1,3-Dichloro- propylene	10061-01-5 10061-02-6	0.036 0.036	18 18
U085 1,2:3,4-Diepoxybutane 1,2:3,4-Diepoxybutane	1464-53-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U086 N,N'-Diethylhydrazine N,N'-Diethylhydrazine	1615-80-1	CHOXD; CHRED; or CMBST CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U087 O,O-Diethyl-S-methyldithiophosphate O,O-Diethyl-S-methyl- dithiophosphate	3288-58-2	CARBN; or CMBST	CMBST
U088 Diethyl phthalate			

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Diethyl phthalate	84-66-2	0.20	28
U089 Diethyl stilbestrol Diethyl stilbestrol	56-53-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U090 Dihydrosafrole Dihydrosafrole	94-58-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U091 3,3'-Dimethoxybenzidine 3,3'-Dimethoxybenzidine	119-90-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U092 Dimethylamine Dimethylamine	124-40-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U093 p-Dimethylaminoazobenzene p-Dimethyl- aminoazobenzene	60-11-7	0.13	CMBST
U094 7,12-Dimethylbenz(a) anthracene 7,12-Dimethylbenz(a)- anthracene	57-97-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U095 3,3'-Dimethylbenzidine 3,3'-Dimethylbenzidine	119-93-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U096 alpha, alpha-Dimethyl benzyl hydroperoxide			



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U115 Ethylene oxide Ethylene oxide	75-21-8	(WETOX or CHOXD) fb CARBN; or CMBST	CHOXD; or CMBST	U123 Formic acid Formic acid	64-18-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
Ethylene oxide; alternate(6) standard for wastewaters only	75-21-8	0.12	NA	U124 Furan Furan	110-00-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U116 Ethylene thiourea Ethylene thiourea	96-45-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	U125 Furfural Furfural	98-01-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U117 Ethyl ether Ethyl ether	60-29-7	0.12	160	U126 Glycidylaldehyde Glycidylaldehyde	765-34-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U118 Ethyl methacrylate Ethyl methacrylate	97-63-2	0.14	160	U127 Hexachlorobenzene Hexachlorobenzene	118-74-1	0.055	10
U119 Ethyl methane sulfonate Ethyl methane sulfonate	62-50-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	U128 Hexachlorobutadiene Hexachlorobutadiene	87-68-3	0.055	5.6
U120 Fluoranthene Fluoranthene	206-44-0	0.068	3.4	U129 Lindane alpha-BHC beta-BHC delta-BHC gamma-BHC (Lindane)	319-84-6 319-85-7 319-86-8 58-89-9	0.00014 0.00014 0.023 0.0017	0.066 0.066 0.066 0.066
U121 Trichloromonofluoromethane Trichloromonofluoro- methane	75-69-4	0.020	30	U130 Hexachlorocyclopentadiene Hexachlorocyclopenta- diene	77-47-4	0.057	2.4
U122 Formaldehyde Formaldehyde	50-00-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST				

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U131 Hexachloroethane Hexachloroethane	67-72-1	0.055	30
U132 Hexachlorophene Hexachlorophene	70-30-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U133 Hydrazine Hydrazine	302-01-2	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U134 Hydrogen fluoride Fluoride (measured in wastewaters only)	16964-48-8	35	ADGAS fb NEUTR; or NEUTR
U135 Hydrogen sulfide Hydrogen sulfide	7783-06-4	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST
U136 Cacodylic acid Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
U137 Indeno(1,2,3-c,d)pyrene Indeno(1,2,3-c,d)pyrene	193-39-5	0.0055	3.4
U138 Iodomethane Iodomethane	74-88-4	0.19	65
U140 Isobutyl alcohol Isobutyl alcohol	78-83-1	5.6	170
U141 Isosafrole Isosafrole	120-58-1	0.081	2.6
U142 Kepone Kepone	143-50-8	0.0011	0.13
U143 Lasiocarpine Lasiocarpine	303-34-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U144 Lead acetate Lead	7439-92-1	0.69	0.75 mg/l TCLP
U145 Lead phosphate Lead	7439-92-1	0.69	0.75 mg/l TCLP
U146 Lead subacetate Lead	7439-92-1	0.69	0.75 mg/l TCLP
U147 Maleic anhydride Maleic anhydride	108-31-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U148 Maleic hydrazide Maleic hydrazide	123-33-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U149 Malononitrile Malononitrile	109-77-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U150 Melphalan Melphalan	148-82-3	(WETOX or CHOXD) fb	CMBST

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U151 Mercury	(mercury) nonwastewaters that contain greater than or equal to 260 mg/kg total mercury.	NA	RMEPC	U155 Methapyrilene	91-80-5	0.081	1.5
U151 Mercury	(mercury) nonwastewaters that contain less than 260 mg/kg total mercury and that are residues from RMERC only.	NA	0.20 mg/l TCLP	U156 Methyl chlorocarbonate	79-22-1	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST
U151 Mercury	(mercury) nonwastewaters that contain less than 260 mg/kg total mercury and that are not residues from RMERC only.	NA	0.025 mg/l TCLP	U157 3-Methylcholanthrene	56-49-5	0.0055	15
U151 Mercury	All U151 (mercury) wastewater.	0.15	NA	U158 4,4'-Methylene bis(2-chloroaniline)	101-14-4	0.50	30
U151 Mercury	Element Mercury Contaminated with Radioactive Materials	NA	AMLGM	U159 Methyl ethyl ketone	78-93-3	0.28	36
U152 Methacrylonitrile	Methacrylonitrile	0.24	84	U160 Methyl ethyl ketone peroxide	1338-23-4	CHOXD; CHRED; CAREN; BIODG; or CMBST	
U153 Methanethiol	Methanethiol	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST	U161 Methyl isobutyl ketone	108-10-1	0.14	33
U154 Methanol	Methanol	67-56-1	CMBST	U162 Methyl methacrylate	80-62-6	0.14	160
U154 Methanol	Methanol	67-56-1	0.75 mg/l TCLP	U163 N-Methyl-N'-nitro-N-nitrosoguanidine	70-25-7	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST
U154 Methanol	Methanol	67-56-1	0.75 mg/l TCLP	U164 Methylthiourea	56-04-2	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST

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U165 Naphthalene Naphthalene	91-20-3	0.059	5.6	N-Nitrosodiethanol-amine	1116-54-7
U166 1,4-Naphthoquinone 1,4-Naphthoquinone	130-15-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	U174 N-Nitrosodiethylamine N-Nitrosodiethylamine	55-18-5
U167 1-Naphthylamine 1-Naphthylamine	134-32-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	U176 N-Nitroso-N-ethylurea N-Nitroso-N-ethylurea	759-73-9
U168 2-Naphthylamine 2-Naphthylamine	91-59-8	0.52	CMBST	U177 N-Nitroso-N-methylurea N-Nitroso-N-methylurea	684-93-5
U169 Nitrobenzene Nitrobenzene	98-95-3	0.068	14	U178 N-Nitroso-N-methylurethane N-Nitroso-N-methyl-urethane	615-53-2
U170 P-Nitrophenol P-Nitrophenol	100-02-7	0.12	29	U179 N-Nitrosopiperidine N-Nitrosopiperidine	100-75-4
U171 2-Nitropropane 2-Nitropropane	79-46-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	U180 N-Nitrosopyrrolidine N-Nitrosopyrrolidine	930-55-2
U172 N-Nitrosodi-n-butylamine N-Nitrosodi-n-butylamine	924-16-3	0.40	17	U181 5-Nitro-o-toluidine 5-Nitro-o-toluidine	99-55-8
U173 N-Nitrosodiethanolamine N-Nitrosodiethanolamine				U182 Paraldehyde Paraldehyde	123-63-7

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acid)				
U191 2-Picoline 2-Picoline	10			
U184 Pentachloroethane Pentachloroethane	6.0	(WETOX or CHOXD) fb CAREN; or CMBST	109-06-8	CMBST
U192 Pronamide Pronamide	6.0		23950-58-5	1.5
U193 1,3-Propane sultone 1,3-Fropane sultone	4.8		1120-71-4	CMBST
U194 n-Propylamine n-Propylamine	16	(WETOX or CHOXD) fb CAREN; or CMBST	107-10-8	CMBST
U196 Pyridine Pyridine	6.2		110-86-1	16
U197 p-Benzoquinone p-Benzoquinone	28	CHOXD; CHRED; or CMBST	106-51-4	CMBST
U200 Reserpine Reserpine	28		50-55-5	CMBST
U201 Resorcinol Resorcinol	28		108-46-3	CMBST

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U183 Pentachlorobenzene Pentachlorobenzene	608-93-5	0.055	10	
U184 Pentachloroethane Pentachloroethane	76-01-7	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST	
Pentachloroethane; alternate(6) standards for Both wastewaters and nonwastewaters	76-01-7	0.055	6.0	
U185 Pentachloronitrobenzene Pentachloronitrobenzene	82-68-8	0.055	4.8	
U186 1,3-Pentadiene 1,3-Pentadiene	504-60-9	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST	
U187 Phenacetin Phenacetin	62-44-2	0.081	16	
U188 Phenol Phenol	108-95-2	0.039	6.2	
U189 Phosphorus sulfide Phosphorus sulfide	1314-80-3	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST	
U190 Phthalic anhydride Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28	
U191 Phthalic anhydride Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28	

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U202	Saccharin and salts Saccharin	81-07-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	U211	Carbon tetrachloride Carbon tetrachloride	56-23-5	0.057	6.0	
U203	Safrole	94-59-7	0.081	22	U213	Tetrahydrofuran Tetrahydrofuran	109-99-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U204	Selenium dioxide Selenium	7782-49-2	0.82	5.7 mg/l TCLP	U214	Thallium (I) acetate Thallium (measured in wastewaters only)	7440-28-0	1.4	RTRHM; or STABL	
U205	Selenium sulfide Selenium	7782-49-2	0.82	5.7 mg/l TCLP	U215	Thallium (I) carbonate Thallium (measured in wastewaters only)	7440-28-0	1.4	RTRHM; or STABL	
U206	Streptozotocin Streptozotocin	18883-66-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	U216	Thallium (I) chloride Thallium (measured in wastewaters only)	7440-28-0	1.4	RTRHM; or STABL	
U207	1,2,4,5-Tetrachlorobenzene 1,2,4,5-Tetrachloro- benzene	95-94-3	0.055	14	U217	Thallium (I) nitrate Thallium (measured in wastewaters only)	7440-28-0	1.4	RTRHM; or STABL	
U208	1,1,1,2-Tetrachloroethane 1,1,1,2-Tetrachloro- ethane	630-20-6	0.057	6.0	U218	Thioacetamide Thioacetamide	62-55-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U209	1,1,2,2-Tetrachloroethane 1,1,2,2-Tetrachloro- ethane	79-34-5	0.057	6.0	U219	Thiourea Thiourea	62-56-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U210	Tetrachloroethylene Tetrachloroethylene	127-18-4	0.056	6.0	U220	Toluene Toluene	108-88-3	0.080	10	



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U221	Toluenediamine Toluenediamine	25376-45-8	CARBEN; or CMBST	Trypan Blue	72-57-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U222	o-Toluidine hydrochloride o-Toluidine hydro- chloride	636-21-5	(WETOX or CHOXD) fb CARBN; or CMBST	U237 Uracil mustard Uracil mustard	66-75-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U223	Toluene diisocyanate Toluene diisocyanate	26471-62-5	CARBEN; or CMBST	U238 Urethane (Ethyl carbamate) Urethane (Ethyl carbamate)	51-79-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U225	Bromoform (Tribromomethane) Bromoform (Tribromo- methane)	75-25-2	0.63	U239 Xylenes Xylenes-mixed isomers (sum of o-, m-, and p- xylene concentrations)	1330-20-7	0.32	30
U226	1,1,1-Trichloroethane 1,1,1-Trichloroethane	71-55-6	0.054	U240 2,4-D (2,4-Dichlorophenoxyacetic acid) 2,4-D (2,4-Dichloro- phenoxyacetic acid)	94-75-7	0.72	10
U227	1,1,2-Trichloroethane 1,1,2-Trichloroethane	79-00-5	0.054	2,4-D (2,4-Dichloro- phenoxyacetic acid) salts and esters	NA	(WETOX or CHOXD)fb CARBN; or CMBST	CMBST
U228	Trichloroethylene Trichloroethylene	79-01-6	0.054	U243 Hexachloropropylene Hexachloropropylene	1888-71-7	0.035	30
U234	1,3,5-Trinitrobenzene 1,3,5-Trinitrobenzene	99-35-4	(WETOX or CHOXD) fb CARBN; or CMBST	U244 Thiram Thiram	137-26-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U235	tris-(2,3-Dibromopropyl)-phosphate tris-(2,3-Dibromo- propyl)-phosphate	126-72-7	0.11	U246 Cyanogen bromide Cyanogen bromide	506-68-3	CHOXD; WETOX;	CHOXD; WETOX;
U236	Trypan Blue						

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or CBMST	or CBMST	or CBMST
U247 Methoxychlor Methoxychlor	72-43-5	0.25
U248 Warfarin, & salts, when present at concentrations of 0.3 percent or less Warfarin	81-81-2	0.18
U249 Zinc phosphide, Zn[3]P[2], when present at concentrations of 10 percent or less Zinc Phosphide	1314-84-7	0.14
U271 Benomyl Benomyl	17804-35-2	0.056
U278 Bendiocarb Bendiocarb	22781-23-3	0.056
U279 Carbaryl Carbaryl	63-25-2	0.006
U280 Barban Barban	101-27-9	0.056
U328 o-Toluidine o-Toluidine	95-53-4	0.056
U353 p-Toluidine p-Toluidine	106-49-0	0.056

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BIODG fb CARBN	BIODG fb CARBN	BIODG fb CARBN
U359 2-Ethoxyethanol 2-Ethoxyethanol	110-80-5	0.056
U364 Bendiocarb phenol(10) Bendiocarb phenol	22961-82-6	0.056
U367 Carbofuran phenol Carbofuran phenol	1563-38-8	0.056
U372 Carbendazim Carbendazim	10605-21-7	0.056
U373 Propham Propham	122-42-9	0.056
U387 Prosulfocarb Prosulfocarb	52888-80-9	0.042
U389 Triallate Triallate	2303-17-5	0.042
U394 AZ213(10) AZ213	30558-43-1	0.042
U395 Diethylene glycol, dicarbamate(10) Diethylene glycol, dicarbamate	5952-26-1	0.056
U404 Triethylamine Triethylamine	101-44-8	0.081

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2-476-~~Tri~~bromophenol  
2-476-~~Tri~~bromophenol 7-4  
6-835

U409 Thiophanate-methyl 1.4  
Thiophanate-methyl 23564-05-8 0.056

U410 Thiodicarb 1.4  
Thiodicarb 59669-26-0 0.019

U411 Propoxur 1.4  
Propoxur 114-26-1 0.056

## Notes:

1 The waste descriptions provided in this table do not replace waste descriptions in 35 Ill. Adm. Code 721. Descriptions of Treatment or Regulatory Subcategories are provided, as needed, to distinguish between applicability of different standards.

2 CAS means Chemical Abstract Services. When the waste code or regulated constituents are described as a combination of a chemical with its salts or esters, the CAS number is given for the parent compound only.

3 Concentration standards for wastewaters are expressed in mg/l and are based on analysis of composite samples.

4 All treatment standards expressed as a Technology Code or combination of Technology Codes are explained in detail in Table C of this Part, "Technology Codes and Descriptions of Technology-Based Standards." "fb" inserted between waste codes denotes "followed by", so that the first-listed treatment is followed by the second-listed treatment. "; " separates alternative treatment schemes.

5 Except for Metals (EP or TCLP) and Cyanides (Total and Amenable) the nonwastewater treatment standards expressed as a concentration were established, in part, based on ~~upon~~ incineration in units operated in accordance with the technical requirements of 35 Ill. Adm. Code 724.Subpart 0 or 35 Ill. Adm. Code 725.Subpart 0 or based on ~~upon~~ combustion in fuel substitution units operating in accordance with applicable technical requirements. A facility may comply with these treatment standards according to provisions in 35 Ill. Adm. Code 728.140(d). All concentration standards for nonwastewaters are based on analysis of grab samples.

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6 Where an alternate treatment standard or set of alternate standards has been indicated, a facility may comply with this alternate standard, but only for the Treatment or Regulatory Subcategory or physical form (i.e., wastewater or nonwastewater) specified for that alternate standard.

7 Both Cyanides (Total) and Cyanides (Amenable) for nonwastewaters are to be analyzed using Method 9010 or 9012, found in "Test Methods for Evaluating Solid Waste, Physical or Chemical Methods", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, with a sample size of 10 grams and a distillation time of one hour and 15 minutes.

8 These wastes, when rendered non-hazardous and then subsequently managed in CWA or CWA-equivalent systems, are not subject to treatment standards. (See Section 728.101(c)(3) and (c)(4).)

9 These wastes, when rendered non-hazardous and then subsequently injected in a Class I SDWA well, are not subject to treatment standards. (See 35 Ill. Adm. Code 739.101(d).)

10 The treatment standard for this waste may be satisfied by either meeting the constituent concentrations in the table in this Section or by treating the waste by specified technologies: combustion, as defined by the technology code CBST at Table C, for nonwastewaters; and biodegradation, as defined by the technology code BIOD; carbon adsorption, as defined by the technology code CARBN; chemical oxidation, as defined by the technology code CHOXD; or combustion, as defined as technology code CBSTG, at Table C, for wastewaters.

11 For these wastes, the definition of CBSTG is limited to any of the following that have obtained a determination of equivalent treatment under Section 728.142(b): (1) combustion units operating under 35 Ill. Adm. Code 726, (2) combustion units permitted under 35 Ill. Adm. Code 724.Subpart 0, or (3) combustion units operating under 35 Ill. Adm. Code 725.Subpart 0.

BOARD NOTE: Derived from table to 40 CFR 268.40 (1999)(199987), as amended at 64 Fed. Reg. 56471 (October 20, 1999) and 65 Fed. Reg. 14472 (Mar. 17, 2000) 47445-(~~6ep~~-47-1998)-and-63-Fed-Reg-54264-(~~6ep~~-247-1996).

NA means not applicable.

(Source: Amended at 24 Ill. Reg. 9623, effective June 20, 2000)

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Barban(6)	101-27-9	0.056	1.4
Bendiocarb(6)	22781-23-3	0.056	1.4
Benomy1(6)	17804-35-2	0.056	1.4
Benz(a)anthracene	56-55-3	0.059	3.4
Benzal chloride	98-87-3	0.055	6.0
Benzene	71-43-2	0.14	1.0
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
Benzo(a)pyrene	50-32-8	0.061	3.4
Bromodichloromethane	75-27-4	0.35	15
Methyl bromide (Bromo- methane)	74-83-9	0.11	15
4-Bromophenyl phenyl ether	101-55-3	0.055	15
n-Butyl alcohol	71-36-3	5.6	2.6
Butylate(6)	2008-41-5	0.042	1.4
Butyl benzyl phthalate	85-68-7	0.017	28
2-sec-Butyl-4,6-dinitro- phenol (Dinoseb)	88-85-7	0.066	2.5
Carbaryl(6)	63-25-2	0.006	0.14
Carbenzadim(6)	10605-21-7	0.056	1.4

## POLLUTION CONTROL BOARD

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## Section 728. TABLE U Universal Treatment Standards (UWS)

Regulated Constituent- Common Name	CAS(1) No.	Wastewater Standard (in mg/kg(3) Concentration unless noted as "mg/l TCLP")	Nonwastewater Standard (in mg/kg(3) Concentration unless noted as "mg/l TCLP")
Acenaphthylene	208-96-8	0.059	3.4
Acenaphthene	83-32-9	0.059	3.4
Acetone	67-64-1	0.28	160
Acetonitrile	75-05-8	5.6	38
Acetophenone	96-86-2	0.010	9.7
2-Acetylaminofluorene	53-96-3	0.059	140
Acrolein	107-02-8	0.29	NA
Acrylamide	79-06-1	19	23
Acrylonitrile	107-13-1	0.24	84
Aldicarb sulfone(6)	1646-88-4	0.056	0.28
Aldrin	309-00-2	0.021	0.066
4-Aminobiphenyl	92-67-1	0.13	NA
Aniline	62-53-3	0.81	14
Anthracene	120-12-7	0.059	3.4
Aramite	140-57-8	0.36	NA
alpha-BHC	319-84-6	0.00014	0.066
beta-BHC	319-85-7	0.00014	0.066
delta-BHC	319-86-8	0.023	0.066
gamma-BHC	58-89-9	0.0017	0.066

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Carbofuran(6)	1563-66-2	0.006	0.14	
Carbofuran phenol(6)	1563-38-8	0.056	1.4	
Carbon disulfide	75-15-0	3.8	4.8 mg/l TCLP	
Carbon tetrachloride	56-23-5	0.057	6.0	
Carbosulfan(6)	55285-14-8	0.028	1.4	
Chlordane (alpha and gamma isomers)	57-74-9	0.0033	0.26	
p-Chloroaniline	106-47-8	0.46	16	
Chlorobenzene	108-90-7	0.057	6.0	
Chlorobenzilate	510-15-6	0.10	NA	
2-Chloro-1,3-butadiene	126-99-8	0.057	0.28	
p-Chloro-m-cresol	59-50-7	0.018	14	
Chlorodibromomethane	124-48-1	0.057	15	
Chloroethane	75-00-3	0.27	6.0	
bis(2-Chloro-ethoxy)methane	111-91-1	0.036	7.2	
bis(2-Chloroethyl) ether	111-44-4	0.033	6.0	
2-Chloroethyl vinyl ether	110-75-8	0.062	NA	
Chloroform	67-66-3	0.046	6.0	
eis(2-Chloro-isopropyl)ether	39638-32-9	0.055	7.2	
Chloromethane (Methyl chloride)	74-87-3	0.19	30	
2-Chloronaphthalene	91-58-7	0.055	5.6	
2-Chlorophenol	95-57-8	0.044	5.7	

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3-Chloropropylene	107-05-1	0.036	30	
Chrysene	218-01-9	0.059	3.4	
o-Cresol	95-48-7	0.11	5.6	
m-Cresol (difficult to distinguish from p-cresol)	108-39-4	0.77	5.6	
p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77	5.6	
m-Cumenyl methyl-carbamate(6)	64-00-6	0.056	1.4	
Cyclohexanone	108-94-1	0.36	0.75mg/l TCLP	
o,p'-DDD	53-19-0	0.023	0.087	
p,p'-DDD	72-54-8	0.023	0.087	
o,p'-DDE	3424-82-6	0.031	0.087	
p,p'-DDE	72-55-9	0.031	0.087	
o,p'-DDT	789-02-6	0.0039	0.087	
p,p'-DDT	50-29-3	0.0039	0.087	
Dibenz(a,h)anthracene	53-70-3	0.055	8.2	
Dibenz(a,e)pyrene	192-65-4	0.061	NA	
1,2-Dibromo-3-chloro-propane	96-12-8	0.11	15	
1,2-Dibromoethane/Ethylene dibromide	106-93-4	0.028	15	
Dibromomethane	74-95-3	0.11	15	
m-Dichlorobenzene	541-73-1	0.036	6.0	
o-Dichlorobenzene	95-50-91	0.088	6.0	
p-Dichlorobenzene	106-46-7	0.090	6.0	



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Dichlorodifluoromethane	75-71-8	0.23	7.2
1,1-Dichloroethane	75-34-3	0.059	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
1,1-Dichloroethylene	75-35-4	0.025	6.0
trans-1,2-Dichloro-ethylene	156-60-5	0.054	30
2,4-Dichlorophenol	120-83-2	0.044	14
2,6-Dichlorophenol	87-65-0	0.044	14
2,4-Dichloro-phenoxyacetic acid/2,4-D	94-75-7	0.72	10
1,2-Dichloropropane	78-87-5	0.85	18
cis-1,3-Dichloro-propylene	10061-01-5	0.036	18
trans-1,3-Dichloro-propylene	10061-02-6	0.036	18
Dieldrin	60-57-1	0.017	0.13
Diethyl phthalate	84-66-2	0.20	28
p-Dimethylaminoazo-benzene	60-11-7	0.13	NA
2,4-Dimethyl phenol	105-67-9	0.036	14
Dimethyl phthalate	131-11-3	0.047	28
Di-n-butyl phthalate	84-74-2	0.057	28
1,4-Dinitrobenzene	100-25-4	0.32	2.3
4,6-Dinitro-o-cresol	534-52-1	0.28	160
2,4-Dinitrophenol	51-28-5	0.12	160
2,4-Dinitrotoluene	121-14-2	0.32	140
2,6-Dinitrotoluene	606-20-2	0.55	28
Di-n-octyl phthalate	117-84-0	0.017	28
Di-n-propylnitrosamine	621-64-7	0.40	14
1,4-Dioxane	123-91-1	12.0	170
Diphenylamine (difficult to distinguish from diphenylnitrosamine)	122-39-4	0.92	13
Diphenylnitrosamine (difficult to distinguish from diphenylamine)	86-30-6	0.92	13
1,2-Diphenylhydrazine	122-66-7	0.087	NA
Disulfoton	298-04-4	0.017	6.2
Dithiocarbamates (total)(6)	137-30-4	0.028	28
Endosulfan I	959-98-8	0.023	0.066
Endosulfan II	33213-65-9	0.029	0.13
Endosulfan sulfate	1031-07-8	0.029	0.13
Endrin	72-20-8	0.0028	0.13
Endrin aldehyde	7421-93-4	0.025	0.13
EPTC(6)	759-94-4	0.042	1.4
Ethyl acetate	141-78-6	0.34	33
Ethyl benzene	100-41-4	0.057	10
Ethyl cyanide (Propanenitrile)	107-12-0	0.24	360
Ethylene oxide	75-21-8	0.12	NA
Ethyl ether	60-29-7	0.12	160

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bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Ethyl methacrylate	97-63-2	0.14	160
Famphur	52-85-7	0.017	15
Fluoranthene	206-44-0	0.068	3.4
Fluorene	86-73-7	0.059	3.4
Formetanate hydro- chloride(6)	23422-53-9	0.056	1.4
Heptachlor	76-44-8	0.0012	0.066
Heptachlor epoxide	1024-57-3	0.016	0.066
Hexachlorobenzene	118-74-1	0.055	10
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachloro- cyclopentadiene	77-47-4	0.057	2.4
HxCDDs (All Hexachloro- dibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachloro- dibenzofurans)	NA	0.000063	0.001
Hexachloroethane	67-72-1	0.055	30
Hexachloropropylene	1888-71-7	0.035	30
Indeno (1,2,3-c,d) pyrene	193-39-5	0.0055	3.4
Iodomethane	74-88-4	0.19	65
Isobutyl alcohol	78-83-1	5.6	170
Isodrin	465-73-6	0.021	0.066

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Isosafrole	120-58-1	0.081	2.6
Kepone	143-50-0	0.0011	0.13
Methacrylonitrile	126-98-7	0.24	84
Methanol	67-56-1	5.6	0.75 mg/l TCLP
Methapyrene	91-80-5	0.081	1.5
Methiocarb(6)	2032-65-7	0.056	1.4
Methomyl(6)	16752-77-5	0.028	0.14
Methoxychlor	72-43-5	0.25	0.18
3-Methylcholanthrene	56-49-5	0.0055	15
4,4-Methylene bis(2- chloroaniline)	101-14-4	0.50	30
Methylene chloride	75-09-2	0.089	30
Methyl ethyl ketone	78-93-3	0.28	36
Methyl isobutyl ketone	108-10-1	0.14	33
Methyl methacrylate	80-62-6	0.14	160
Methyl methansulfonate	66-27-3	0.018	NA
Methyl parathion	298-00-0	0.014	4.6
Metolcarb(6)	1129-41-5	0.056	1.4
Mexacarbate(6)	315-18-4	0.056	1.4
Molinate(6)	2212-67-1	0.042	1.4
Naphthalene	91-20-3	0.059	5.6
2-Naphthylamine	91-59-8	0.52	NA
o-Nitroaniline	88-74-4	0.27	14
p-Nitroaniline	100-01-6	0.028	28
Nitrobenzene	98-95-3	0.068	14

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5-Nitro-o-toluidine	99-55-8	0.32	28
o-Nitrophenol	88-75-5	0.028	13
p-Nitrophenol	100-02-7	0.12	29
N-Nitrosodiethylamine	55-18-5	0.40	28
N-Nitrosodimethylamine	62-75-9	0.40	2.3
N-Nitroso-di-n-butyl-amine	924-16-3	0.40	14
N-Nitrosomethylethyl-amine	10595-95-6	0.40	2.3
N-Nitrosomorpholine	59-89-2	0.40	2.3
N-Nitrosopiperidine	100-75-4	0.013	35
N-Nitrosopyrrolidine	930-55-2	0.013	35
Oxamyl(6)	23135-22-0	0.056	0.28
Parathion	56-38-2	0.014	4.6
Total PCBs (sum of all PCB isomers, or all Aroclors)	1336-36-3	0.10	10
Pebulate(6)	1114-71-2	0.042	1.4
Pentachlorobenzene	608-93-5	0.055	10
PecDDs (All Pentachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
PecDFs (All Pentachloro-dibenzofurans)	NA	0.000035	0.001
Pentachloroethane	76-01-7	0.055	6.0
Pentachloronitrobenzene	82-68-8	0.055	4.8
Pentachlorophenol	87-86-5	0.089	7.4
Phenacetin	62-44-2	0.081	16

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Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Phorate	298-02-2	0.021	4.6
Phthalic acid	100-21-0	0.055	28
Phthalic anhydride	85-44-9	0.055	28
Phystostigmine(6)	57-47-6	0.056	1.4
Phystostigmine salicylate(6)	57-64-7	0.056	1.4
Promecarb(6)	2631-37-0	0.056	1.4
Pronamide	23950-58-5	0.093	1.5
Propham(6)	122-42-9	0.056	1.4
Propoxur(6)	114-26-1	0.056	1.4
Prosulfocarb(6)	52888-80-9	0.042	1.4
Pyrene	129-00-0	0.067	8.2
Pyridine	110-86-1	0.014	16
Safrole	94-59-7	0.081	22
Silvex (2,4,5-TP)	93-72-1	0.72	7.9
1,2,4,5-Tetrachloro-benzene	95-94-3	0.055	14
TCDDs (All Tetrachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
TCDFs (All Tetrachloro-dibenzofurans)	NA	0.000063	0.001
1,1,1,2-Tetrachloro-ethane	630-20-6	0.057	6.0
1,1,1,2,2-Tetrachloro-ethane	79-34-5	0.057	6.0

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Tetrachloroethylene	127-18-4	0.056	6.0	phosphate			
	58-90-2	0.030	7.4	Verolate(6)	1929-77-7	0.042	1.4
Thiodicarb(6)	59669-26-0	0.019	1.4	Vinyl chloride	75-01-4	0.27	6.0
	23564-05-8	0.056	1.4	Xylenes-mixed isomers (sum of o-, m-, and p- xylene concentrations)	1330-20-7	0.32	30
2,4,6-Trichlorophenol	118-79-6	0.035	7.4	Antimony	7440-36-0	1.9	1.15 mg/l TCLP
Toluene	108-88-3	0.080	10	Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
Toxaphene	8001-35-2	0.0095	2.6	Barium	7440-39-3	1.2	21 mg/l TCLP
Triallate(6)	2303-17-5	0.042	1.4	Beryllium	7440-41-7	0.82	1.22 mg/l TCLP
Tribromo-methane (Bromoform)	75-25-2	0.63	15	Cadmium	7440-43-9	0.69	0.11 mg/l TCLP
2,4,6-Tribromophenol	118-79-6	0.035	7.4	Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
1,2,4-Trichlorobenzene	120-82-1	0.055	19	Cyanides (Total)(4)	57-12-5	1.2	590
1,1,1-Trichloroethane	71-55-6	0.054	6.0	Cyanides (Amenable)(4)	57-12-5	0.86	30
1,1,2-Trichloroethane	79-00-5	0.054	6.0	Fluoride (5)	16984-48-8	35	NA
Trichloroethylene	79-01-6	0.054	6.0	Lead	7439-92-1	0.69	0.75 mg/l TCLP
Trichloromonofluoro-methane	75-69-4	0.020	30	Mercury-Nonwastewater from Retort	7439-97-6	NA	0.20 mg/l TCLP
2,4,5-Trichlorophenol	95-95-4	0.18	7.4	Mercury-All Others	7439-97-6	0.15	0.025 mg/l TCLP
2,4,6-Trichlorophenol	88-06-2	0.035	7.4	Nickel	7440-02-0	3.98	11 mg/l TCLP
2,4,5-Trichlorophenoxy-acetic acid/2,4,5-T	93-76-5	0.72	7.9	Selenium (7)	7782-49-2	0.82	5.7 mg/l TCLP
1,2,3-Trichloropropane	96-18-4	0.85	30	Silver	7440-22-4	0.43	0.14 mg/l TCLP
1,1,2-Trichloro-1,2,2-trifluoroethane	76-13-1	0.057	30	Sulfide	18496-35-8	14	NA
Triethylamine(6)	101-44-8	0.081	1.5	Thallium	7440-28-0	1.4	0.20 mg/l TCLP
tris-(2,3-Dibromopropyl)	126-72-7	0.11	0.10	Vanadium(5)	7440-62-2	4.3	1.6 mg/l TCLP
				Zinc(5)	7440-66-6	2.61	4.3 mg/l TCLP

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1 CAS means Chemical Abstract Services. When the waste code or regulated constituents are described as a combination of a chemical with its salts or esters, the CAS number is given for the parent compound only.

2 Concentration standards for wastewaters are expressed in mg/l are based on analysis of composite samples.

3 Except for metals (BP or TCLP) and cyanides (total and amenable), the nonwastewater treatment standards expressed as a concentration were established, in part, based on incineration in units operated in accordance with the technical requirements of 35 Ill. Adm. Code 724-Subpart O or 35 Ill. Adm. Code 725-Subpart O or on combustion in fuel substitution units operating in accordance with applicable technical requirements. A facility may comply with these treatment standards according to provisions in Section 728.140(d). All concentration standards for nonwastewaters are based on analysis of grab samples.

4 Both Cyanides (Total) and Cyanides (Amenable) for nonwastewaters are to be analyzed using Method 9010 or 9012, found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, with a sample size of 10 grams and a distillation time of one hour and 15 minutes.

5 These constituents are not "underlying hazardous constituents" in characteristic wastes, according to the definition at Section 728.102(i).

6 This footnote corresponds with footnote 6 to the table to 40 CFR 268.48(a), which has already expired by its own terms. This statement maintains structural consistency with the federal regulations.

7 This constituent is not an underlying hazardous constituent, as defined at Section 728.102(i), because its UHS level is greater than its TC level. Thus, a treated selenium waste would always be characteristically hazardous unless it is treated to below its characteristic level.

Note: NA means not applicable.

BOARD NOTE: Derived from table to 40 CFR 268.48(a) (19939998), as amended at 65 Fed. Reg. 14472 (Mar. 17, 2000) 47410-tSep-47-19987.

(Source: Amended at 24 Ill. Reg. 9623, effective June 20, 2000)

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1) Heading of the Part: RCRA Permit Program

2) Code citation: 35 Ill. Adm. Code 703

3) Section Numbers: Adopted Action:

703.123 Amend

703.161 Amend

703.183 Amend

703.205 Amend

703.208 Amend

703.220 Renumber, Amend

703.221 Renumber, Add

703.232 Amend

703.301 Amend

703.303 Amend

703.304 Amend

703.306 Amend

APPENDIX A

4) Statutory authority: 415 ILCS 5/7.2, 22.4, and 27.

5) Effective date of amendments: June 20, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? Yes. The existing text of Part 703 includes incorporations by reference. The present amendments include, at Sections 703.205(e), 703.208, 703.221, and 703.232, the addition of 40 CFR 63, Subpart EEE, incorporated by reference in 35 Ill. Adm. Code 720.111. The amendments also include the deletion of former 40 CFR 268.8 at paragraphs (F)(1)(c), (F)(4)(a), (G)(1)(e), (G)(5)(c), (H)(5)(c), and (J)(5)(c) of Appendix A and the deletion of 40 CFR 268.5 at paragraphs (H)(5)(c) and (J)(5)(c) of Appendix A. Numerous other incorporations remain unaffected by the present amendments.

8) Statement of availability: The adopted amendments, a copy of the Board's opinion and order adopted May 18, 2000, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.

9) Notice of proposal published in Illinois Register: March 24, 2000, 24 Ill. Reg. 4658

10) Has JCRR issued a Statement of Objections to these amendments? No. Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking was not subject to Section 5-35 of the APA, it was not subject to First Notice or

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to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 11) Differences between proposal and final version: The following table summarizes the differences between the amendments proposed by the Board in an opinion and order dated March 2, 2000, in docket R00-13, and the amendments adopted on May 18, 2000. Many of the differences are explained in greater detail in the Board's opinion and order of May 18, 2000.

Section Revised	Source(s) of Revision(s)	
703. Source note	Board	Removed a reference to the "PCB" reporter
703.183(j)	IEPA	Changed "an indication of" to "the locations and types of"
703.183(m)	JCAR	Added a comma after "include" to offset a parenthetical
703.183(s)(12) Board Note	JCAR	Changed the indent level of the Board note to correspond with all of subsection (s)
703.205	JCAR	Changed "subsection" to singular
703.205(c)(1)(D)	Board	Added the ending conjunction "and"
703.205(c)(2)(I)	Board	Added the ending conjunction "and"
703.205(c)(5)(B)	Board	Added the ending conjunction "and"
703.205(c)(6)(H)	Board	Added the ending conjunction "and"
703.205(c)(7)	Board	Added the ending conjunction "and"

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703.205(c)(8)	Board, JCAR	Changed ending punctuation to a semicolon
703.208	JCAR	Changed "40 CFR part 63" to "40 CFR 63"; capitalized the word "Section"
703.208(a)(1)(A))	Board	Changed to plural "subsections"
703.208(a)(5)	JCAR	Changed "by" to "of"
703.208(a)(6)(a)(iii)	JCAR	Changed the cross-reference to "this subsection (a)"
703.208(b)(6)	JCAR	Changed the cross-reference to "this subsection (b)"
703.208(c)	JCAR	Changed the cross-reference to "this subsection (c)"
703.221	JCAR	Corrected spelling of "Section" in Section heading; corrected citation to "40 CFR 63"
703.232	JCAR	Changed "in of" to "of"; corrected citation to "40 CFR 63"
703.232(b)(1)	JCAR	Corrected "most" to "must"
703.232(c)	JCAR	Changed the cross-reference to "this subsection (c)"
703.232(c)(4)	JCAR	Added a comma before "including" to offset a parenthetical
703.232(c)(9)	JCAR	Changed the cross-reference to "this subsection (c)"
703.232(d)(6)	JCAR	Changed the cross-reference to "this subsection (d)"
703.232(g)	JCAR	Changed "the Section" to "this Section"



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- 703.306(d)(4) JCAB, Board Added a period after "time", capitalized the definite article "the", added a period after "703.183(k)", added a space between the parentheses, and moved the coling period inside the parentheses to render the provision as three separate sentences-two of which are parenthetical
- 703.Appendix A (D)(3)(e) JCAB Changed reference to "paragraph D(3)(f) below"
- 703.Appendix A (L)(8) JCAB Changed "alternate" to "alternative"
- 703.Appendix A (L)(9) JCAB Changed to lower case "subpart"
- 703.Appendix A (M) JCAB Deleted ending punctuation
- 703.Appendix A (M)(5)(b) JCAB Added ending punctuation
- 703.Appendix A (N) JCAB Deleted ending punctuation
- 12) Have all the changes agreed upon by the Board and JCAB been made as indicated in the agreements issued by JCAB? Section 22.4(a) of the Environmental Protection Act (415 ILCS 5/22.4(a)) provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAB.
- 13) Will these amendments replace emergency amendments currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and purpose of amendments: A more detailed description is contained in the Board's opinion and order of May 18, 2000, adopting amendments in docket R00-13, which opinion and order is available from the address below. As is explained in that opinion, the Board delayed filing the adopted amendments for 30 days from the date the Board voted to adopt them in order to allow the United States Environmental Protection Agency (USEPA) an opportunity to comment on the amendments before they became

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effective.

This proceeding updates the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the update period of July 1, 1999, through December 31, 1999. Please refer to the corresponding segment of the questionnaire in the Notice of Adopted Amendments for 35 Ill. Adm. Code 720 that appears elsewhere in this issue of the *Illinois Register*. That Notice includes a detailed outline of the federal actions involved in the broader proceeding of which the amendments to Part 703 are a single segment.

Specifically, the amendments to Part 703 implement major segments of the federal September 30, 1999 hazardous waste combustor rule and segments of the July 6, 1999 designation of lamps as universal waste. The amendments also make a number of non-substantive corrections requested by JCAB.

Section 22.4 of the Environmental Protection Act (415 ILCS 5/22.4) provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking was not subject to Section 5-35 of the APA, it was not subject to First Notice or to Second Notice review by JCAB.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge  
Attorney  
Illinois Pollution Control Board  
100 W. Randolph 11-500  
Chicago, IL 60601  
312-814-6924

Request copies of the Board's opinion and order of May 18, 2000, from Patricia Jones, at 312-814-3620. Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at <http://www.ipcb.state.il.us>.

The full text of the adopted amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION  
 SUBTITLE G: WASTE DISPOSAL  
 CHAPTER I: POLLUTION CONTROL BOARD  
 SUBCHAPTER b: PERMITS

## PART 703

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703.208	Boilers and Industrial Furnaces Burning Hazardous Waste
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## APPENDIX A Classification of Permit Modifications

AUTHORITY: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7-2, 22.4 and 27].

SOURCE: Adopted in R82-19 at 7 Ill. Reg. 14289, effective October 12, 1983; amended in R83-24 at 8 Ill. Reg. 206, effective December 27, 1983; amended in R84-9 at 9 Ill. Reg. 11899, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1110, effective January 2, 1986; amended in R85-23 at 10 Ill. Reg. 13284, effective July 28, 1986; amended in R86-1 at 10 Ill. Reg. 14093, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20702, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6121, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13543, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19383, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2584, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13069, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg.

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447, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18477, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 6278, effective April 16, 1990; amended in R90-2 at 14 Ill. Reg. 14492, effective August 22, 1990; amended in R90-11 at 15 Ill. Reg. 9616, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14554, effective September 30, 1991; amended in R91-13 at 16 Ill. Reg. 9767, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5774, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20794, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6898, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12392, effective December 27, 1994; amended in R95-6 at 19 Ill. Reg. 9920, effective June 27, 1995; amended at R95-20 at 20 Ill. Reg. 11225, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 553, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7632, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17930, effective September 28, 1998; amended in R98-21/R99-7 at 23 Ill. Reg. 2153, effective January 19, 1999; amended in R99-15 at 24 Ill. Reg. 9384, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9765, effective June 20, 2000.

## SUBPART B: PROHIBITIONS

## Section 703.123 Specific Exclusions from Permit Program

The following persons are among those that who are not required to obtain a RCRA permit:

- Generators that who accumulate hazardous waste on-site for less than the time periods provided in 35 Ill. Adm. Code 722.134;
- Farmers that who dispose of hazardous waste pesticides from their own use as provided in 35 Ill. Adm. Code 722.170;
- Persons that who own or operate facilities solely for the treatment, storage or disposal of hazardous waste excluded from regulations under this Part by 35 Ill. Adm. Code 721.104 or 721.105 (small generator exemption);
- Owners or operators of totally enclosed treatment facilities as defined in 35 Ill. Adm. Code 720.110;
- Owners and operators of elementary neutralization units or wastewater treatment units as defined in 35 Ill. Adm. Code 720.110;
- Transporters storing manifested shipments of hazardous waste in containers meeting the requirements of 35 Ill. Adm. Code 722.130 at a transfer facility for a period of ten days or less;
- Persons adding absorbent material to waste in a container (as defined in 35 Ill. Adm. Code 720.110) and persons adding waste to absorbent material in a container, provided that these actions occur at the time waste is first placed in the container; and 35 Ill. Adm. Code 724.117(b), 724.271 and 724.272 are complied with; and
- A universal waste handler or universal waste transporter (as defined in 35 Ill. Adm. Code 720.110) that manages the wastes listed below. Such a handler or transporter is subject to regulation under 35 Ill.

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Adm. Code 733.

- 1) Batteries, as described in 35 Ill. Adm. Code 733.102;
- 2) Pesticides, as described in 35 Ill. Adm. Code 733.103;
- 3) Thermosists, as described in 35 Ill. Adm. Code 733.104; and
- 4) Lamps Mercury-containing lamps, as described in 35 Ill. Adm. Code 733.105-733.107.

BOARD NOTE: Derived from 40 CFR 270.1(c)(2) (4996) [1999], as amended at 64 Fed. Reg. 36488 (July 6, 1999). Subsection-733.104-of-this Section-was-added-pursuant-to-Section-22-23a-of-the-Act--(415--116S 5/22-23a)-(see-PA-90-502-effective-August-19-1997).

(Source: Amended at 24 Ill. Reg. 97.65, effective June 20, 2000)

## SUBPART C: AUTHORIZATION BY RULE AND INTERIM STATUS

## Section 703.161 Enforceable Document for Post-Closure Care

- a) An owner or operator may obtain an enforceable document containing alternative requirements for post-closure care that imposes the requirements of 35 Ill. Adm. Code 725.221. "Enforceable document" containing alternative requirements" or "other enforceable document," as used in this Part and in 35 Ill. Adm. Code 724 and 725, means an order of the Board, an Agency-approved plan, or an order of a court of competent jurisdiction that meets the requirements of subsection (b) of this Section. An "enforceable document" containing alternative requirements" or "other enforceable document," may also mean an order of USEPA (such as pursuant to section 3008(h) of RCRA, 42 USC 6928(h), or under section 106 of the Federal Comprehensive Environmental Response, Compensation and Liability Act, 42 USC 9606).

BOARD NOTE: Derived from 40 CFR 270.1(c)(7) [1999], as added-at-63 Fed-Reg-56735-60et-227-1999f.

- b) Any alternative requirements issued under this Section or established to satisfy the requirements of 35 Ill. Adm. Code 724.190(f), 724.210(c), 724.240(d), 725.190(f), 725.210(c), or 725.240(d) shall be embodied in a document that is enforceable and subject to appropriate compliance orders and civil penalties under Titles VIII and XII of the Act.

BOARD NOTE: Derived from 40 CFR 271.16(e) [1999], as added-at-63 Fed-Reg-56735-60et-227-1999f.

(Source: Amended at 24 Ill. Reg. 97.65, effective June 20, 2000)

## SUBPART D: APPLICATIONS

## Section 703.183 General Information

The following information is required in the Part B application for all HWM facilities, except as 35 Ill. Adm. Code 724.101 provides otherwise:

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a) General description of the facility;

- b) Chemical and physical analyses of the hazardous wastes and hazardous debris to be handled at the facility. At a minimum, these analyses must contain all the information which must be known to treat, store, or dispose of the wastes properly in accordance with 35 Ill. Adm. Code 724;

c) A copy of the waste analysis plan required by 35 Ill. Adm. Code 724.113(b) and, if applicable, 35 Ill. Adm. Code 724.113(c);

- d) A description of the security procedures and equipment required by 35 Ill. Adm. Code 724.114, or a justification demonstrating the reasons for requesting a waiver of this requirement;

e) A copy of the general inspection schedule required by 35 Ill. Adm. Code 724.113(b). Include where applicable, as part of the inspection schedule, specific requirements in 35 Ill. Adm. Code 724.274, 724.293(i), 724.295, 724.326, 724.354, 724.373, 724.403, 724.702, 724.933, 724.952, 724.953, 724.958, 724.984, 724.985, 724.986, and 724.988;

f) A justification of any request for a waiver of the preparedness and prevention requirements of 35 Ill. Adm. Code 724-Subpart C;

g) A copy of the contingency plan required by 35 Ill. Adm. Code 724-Subpart D;

BOARD NOTE: Include, where applicable, as part of the contingency plan, specific requirements in 35 Ill. Adm. Code 724.200 and 724.327. Corresponding 40 CFR 270.14(b)(7) refers to the requirements of 40 CFR 264.255 (corresponding with 35 Ill. Adm. Code 724.355), marked "reserved" by USEPA.

h) A description of procedures, structures, or equipment used at the facility to:

- 1) Prevent hazards in unloading operations (for example, ramps, or special forklifts);
- 2) Prevent runoff from hazardous waste handling areas to other areas of the facility or environment, or to prevent flooding (for example, berms, dikes, or trenches);
- 3) Prevent contamination of water supplies;
- 4) Mitigate effects of equipment failure and power outages;
- 5) Prevent undue exposure of personnel to hazardous waste (for example, protective clothing); and
- 6) Prevent releases to the atmosphere;

i) A description of precautions to prevent accidental ignition or reaction of ignitable, reactive, or incompatible wastes, as required to demonstrate compliance with 35 Ill. Adm. Code 724.117, including documentation demonstrating compliance with 35 Ill. Adm. Code 724.117(c);

j) A description of the area traffic pattern, the estimated traffic volume (number and types of vehicles), and area traffic control (for example, show turns across traffic lanes and stacking lanes, if appropriate); a description of describe access road surfacing and load bearing capacity; and the locations and types of

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**show** traffic control signals;

- k) Facility location information, as required by Section 703.184;
- l) An outline of both the introductory and continuing training programs by the owner or operator to prepare persons to operate or maintain the HWM facility in a safe manner, as required to demonstrate compliance with 35 Ill. Adm. Code 724.116. A brief description of how training will be designed to meet actual job tasks in accordance with requirements in 35 Ill. Adm. Code 724.116(a)(3);
- m) A copy of the closure plan and, where applicable, the post-closure plan required by 35 Ill. Adm. Code 724.212, 724.218, and 724.297. Include, where applicable, as part of the plans, specific requirements in 35 Ill. Adm. Code 724.278, 724.297, 724.326, 724.356, 724.380, 724.410, 724.451, 724.701, and 724.703;
- n) For hazardous waste disposal units that have been closed, documentation that notices required under 35 Ill. Adm. Code 724.219 have been filed;
- o) The most recent closure cost estimate for the facility, prepared in accordance with 35 Ill. Adm. Code 724.242, and a copy of the documentation required to demonstrate financial assurance under 35 Ill. Adm. Code 724.243. For a new facility, a copy of the required documentation may be submitted 60 days prior to the initial receipt of hazardous wastes, if it is later than the submission of the Part B permit application;
- p) Where applicable, the most recent post-closure cost estimate for the facility, prepared in accordance with 35 Ill. Adm. Code 724.244, plus a copy of the documentation required to demonstrate financial assurance under 35 Ill. Adm. Code 724.245. For a new facility, a copy of the required documentation may be submitted 60 days prior to the initial receipt of hazardous wastes, if it is later than the submission of the Part B permit application;
- q) Where applicable, a copy of the insurance policy or other documentation which comprises compliance with the requirements of 35 Ill. Adm. Code 724.247. For a new facility, documentation showing the amount of insurance meeting the specification of 35 Ill. Adm. Code 724.247(a) and, if applicable, 35 Ill. Adm. Code 724.247(b) that the owner or operator plans to have in effect before initial receipt of hazardous waste for treatment, storage, or disposal. A request for an alternative level of required coverage for a new or existing facility may be submitted as specified in 35 Ill. Adm. Code 724.247(c);
- r) This subsection corresponds with 40 CFR 270.14(b)(18), pertaining to state financial mechanisms that do not apply in Illinois. This statement maintains structural parity with the federal regulations;
- s) A topographic map showing a distance of 1000 feet around the facility at a scale of 2.5 centimeters (1 inch) equal to not more than 61.0 meters (200 feet). Contours must be shown on the map. The contour interval must be sufficient to clearly show the pattern of surface water flow in the vicinity of and from each operational unit of the facility. For example, contours with an interval of 1.5 meters (5

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feet), if relief is greater than 6.1 meters (20 feet), or an interval of 0.6 meters (2 feet), if relief is less than 6.1 meters (20 feet). Owners and operators of HWM facilities located in mountainous areas shall use larger contour intervals to adequately show topographic profiles of facilities. The map must clearly show the following:

- 1) Map scale and date;
  - 2) 100-year floodplain area;
  - 3) Surface waters including intermittent streams;
  - 4) Surrounding land uses (e.g., residential, commercial, agricultural, recreational, etc.);
  - 5) A wind rose (i.e., prevailing windspeed and direction);
  - 6) Orientation of the map (north arrow);
  - 7) Legal boundaries of the HWM facility site;
  - 8) Access control (e.g., fences, gates, etc.);
  - 9) Injection and withdrawal wells both on-site and off-site;
  - 10) Buildings; treatment, storage, or disposal operations; or other structures (e.g., recreation areas, runoff control systems, access and internal roads, storm, sanitary and process sewage systems, loading and unloading areas, fire control facilities, etc.);
  - 11) Barriers for drainage or flood control;
  - 12) Location of operational units within the HWM facility site, where hazardous waste is (or will be) treated, stored, or disposed of (include equipment cleanup areas);
- BOARD NOTE: For large HWM facilities, the Agency shall allow the use of other scales on a case-by-case **case-by-case** basis.
- t) Applicants shall submit such information as the Agency determines is necessary for it to determine whether to issue a permit and what conditions to impose in any permit issued;
- u) For land disposal facilities, if a case-by-case extension has been approved under 35 Ill. Adm. Code 728.105 or if a petition has been approved under 35 Ill. Adm. Code 728.106, a copy of the notice of approval of the extension or of approval of the petition is required; and
- v) A summary of the pre-application meeting, along with a list of attendees and their addresses, and copies of any written comments or materials submitted at the meeting, as required under 35 Ill. Adm. Code 703.191(c).

BOARD NOTE: Derived from 40 CFR 270.14(b) (1999) #19987.

(Source: Amended at 24 Ill. Reg. **9765**, effective June 20, 2000)

**Section 703.205 Incinerators that Burn Hazardous Waste**

For facilities that incinerate hazardous waste, except as 35 Ill. Adm. Code 724.440 and subsection (e) of this Section provide **provides** otherwise, the applicant must fulfill the requirements of subsections (a), (b), or (c) of this Section **below** in completing the Part B application:



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- a) When seeking exemption under 35 Ill. Adm. Code 724.440(b) or (c) (ignitable, corrosive, or reactive wastes only):
- 1) Documentation that the waste is listed as a hazardous waste in 35 Ill. Adm. Code 721.Subpart D solely because it is ignitable (Hazard Code I), corrosive (Hazard Code C), or both; or
  - 2) Documentation that the waste is listed as a hazardous waste in 35 Ill. Adm. Code 721.Subpart D solely because it is reactive (Hazard Code R) for characteristics other than those listed in 35 Ill. Adm. Code 721.123(a)(4) and (a)(5) and will not be burned in other hazardous wastes are present in the combustion zone; or
  - 3) Documentation that the waste is a hazardous waste solely because it possesses the characteristic of ignitability or corrosivity, or both, as determined by the tests for characteristics of hazardous wastes under 35 Ill. Adm. Code 721.Subpart C; or
  - 4) Documentation that the waste is a hazardous waste solely because it possesses the reactivity characteristics listed in 35 Ill. Adm. Code 721.123 (a)(1) through (a)(3) or (a)(6) through (a)(8) and that it will not be burned when other hazardous wastes are present in the combustion zone; or
- b) Submit a trial burn plan or the results of a trial burn, including all required determinations, in accordance with Section 703.222 et seq;
- c) In lieu of a trial burn, the applicant may submit the following information:
- 1) An analysis of each waste or mixture of wastes to be burned including:
    - A) Heat value of the waste in the form and composition in which it will be burned;
    - B) Viscosity (if applicable) or description of physical form of the waste;
    - C) An identification of any hazardous organic constituents listed in 35 Ill. Adm. Code 721.Appendix H that are present in the waste to be burned, except that the applicant need not analyze for constituents listed in 35 Ill. Adm. Code 721.Appendix H that would reasonably not be expected to be found in the waste. The constituents excluded from analysis must be identified and the basis for their exclusion stated. The waste analysis must rely on analytical techniques specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods", USEPA 8-85---BPA Publication SW-846, as incorporated by reference at 35 Ill. Adm. Code 720.111 and Section 703.110, or their equivalent;
    - D) An approximate quantification of the hazardous constituents identified in the waste, within the precision produced by the analytical methods specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods", USEPA 8-85---BPA Publication SW-846, as incorporated by reference at

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- 35 Ill. Adm. Code 720.111 and Section 703.110; and
- E) A quantification of those hazardous constituents in the waste that may be designated as POHCs based on data submitted from other trial or operational burns that demonstrate compliance with the performance standard in 35 Ill. Adm. Code 724.443;
- 2) A detailed engineering description of the incinerator, including:
- A) Manufacturer's name and model number of incinerator;
  - B) Type of incinerator;
  - C) Linear dimension of incinerator unit including cross sectional area of combustion chamber;
  - D) Description of auxiliary fuel system (type/feed);
  - E) Capacity of prime mover;
  - F) Description of automatic waste feed cutoff systems system(s);
  - G) Stack gas monitoring and pollution control monitoring system;
  - H) Nozzle and burner design;
  - I) Construction materials; and
  - J) Location and description of temperature, pressure and flow indicating devices and control devices;
- 3) A description and analysis of the waste to be burned compared with the waste for which data from operational or trial burns are provided to support the contention that a trial burn is not needed. The data should include those items listed in subsection (c)(1) of this Section above. This analysis should specify the POHCs that the applicant has identified in the waste for which a permit is sought, and any differences from the POHCs in the waste for which burn data are provided;
- 4) The design and operating conditions of the incinerator unit to be used, compared with that for which comparative burn data are available;
- 5) A description of the results submitted from any previously conducted trial burns burn(s) including:
- A) Sampling and analysis techniques used to calculate performance standards in 35 Ill. Adm. Code 724.443;
  - B) Methods and results of monitoring temperatures, waste feed rates, carbon monoxide and an appropriate indicator of combustion gas velocity (including a statement concerning the precision and accuracy of this measurement); and
  - C) The certification and results required by subsection (b) of this Section above;
- 6) The expected incinerator operation information to demonstrate compliance with 35 Ill. Adm. Code 724.443 and 724.445 including:
- A) Expected carbon monoxide (CO) level in the stack exhaust gas;
  - B) Waste feed rate;
  - C) Combustion zone temperature;



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- D) Indication of combustion gas velocity;  
 E) Expected stack gas volume, flow rate, and temperature;  
 F) Expected residence time for waste in the combustion zone;  
 G) Expected hydrochloric acid removal efficiency;  
 H) Expected fugitive emissions and their control procedures;  
 and

I) Proposed waste feed cut-off limits based on the identified significant operating parameters;

- 7) The Agency may, pursuant to 35 Ill. Adm. Code 705.122, request such additional information as may be necessary for the Agency to determine whether the incinerator meets the requirements of 35 Ill. Adm. Code 724.445. Subpart O and what conditions are required by that Subpart and Section 39(d) of the Environmental Protection Act; and

- 8) Waste analysis data, including that submitted in subsection (c)(1) of this Section above, sufficient to allow the Agency to specify as permit Principal Organic Hazardous Constituents (permit POHCs) those constituents for which destruction and removal efficiencies will be required;<sup>7</sup>

- a) The Agency shall approve a permit application without a trial burn if it finds that:

- 1) The wastes are sufficiently similar; and
- 2) The incinerator units are sufficiently similar, and the data from other trial burns are adequate to specify (under 35 Ill. Adm. Code 724.445) operating conditions that will ensure that the performance standards in 35 Ill. Adm. Code 724.443 will be met by the incinerator.

- e) When an owner or operator demonstrates compliance with the air emission standards and limitations of the Federal National Emission Standards for Hazardous Air Pollutants (NESHAPs) in 40 CFR 63, subpart EEE, incorporated by reference in 35 Ill. Adm. Code 720.111 (i.e., by conducting a comprehensive performance test and submitting a Notification of Compliance), the requirements of this Section do not apply. Nevertheless, the Agency may apply the provisions of this Section, on a case-by-case basis, for purposes of information collection in accordance with Sections 703.188 and 703.241(a)(2).

BOARD NOTE: Derived from 40 CFR 270.19 (1999) (49927), as amended at 64 58 Fed. Reg. 53076 (September 30, 1999) 46061-(Aug-31-1999).

(Source: Amended at 24 Ill. Reg. 9765, effective June 20, 2000)

## Section 703.208 Boilers and Industrial Furnaces Burning Hazardous Waste

When an owner or operator of a cement or lightweight aggregate kiln demonstrates compliance with the air emission standards and limitations of the Federal National Emission Standards for Hazardous Air Pollutants (NESHAPs) in 40 CFR 63, subpart EEE, incorporated by reference in 35 Ill. Adm. Code 720.111 (i.e., by conducting a comprehensive performance test and submitting a

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Notification of Compliance), the requirements of this Section do not apply. Nevertheless, the Agency may apply the provisions of this Section, on a case-by-case basis, for purposes of information collection in accordance with Sections 703.188 and 703.241(a)(2).

## a) Trial burns.

- 1) General. Except as provided below, owners and operators that are subject to the standards to control organic emissions provided by 35 Ill. Adm. Code 726.204, standards to control particulate matter provided by 35 Ill. Adm. Code 726.205, standards to control metals emissions provided by 35 Ill. Adm. Code 726.206, or standards to control hydrogen chloride (HCl) or chlorine gas emissions provided by 35 Ill. Adm. Code 726.207 shall conduct a trial burn to demonstrate conformance with those standards and shall submit a trial burn plan or the results of a trial burn, including all required determinations, in accordance with Section 703.232.

- A) Under subsections subsection (a)(2) through (a)(5) of this Section below and 35 Ill. Adm. Code 726.204 through 726.207, the Agency may waive a trial burn to demonstrate conformance with a particular emission standard; and
- B) The owner or operator may submit data in lieu of a trial burn, as prescribed in subsection (a)(6) of this Section below.

- 2) Waiver of trial burn of DRE (destruction removal efficiency).

- A) Boilers operated under special operating requirements. When seeking to be permitted under 35 Ill. Adm. Code 726.204(a)(4) and 726.210, which automatically waive the DRE trial burn, the owner or operator of a boiler shall submit documentation that the boiler operates under the special operating requirements provided by 35 Ill. Adm. Code 726.210.

- B) Boilers and industrial furnaces burning low risk waste. When seeking to be permitted under the provisions for low risk waste provided by 35 Ill. Adm. Code 726.204(a)(5) and 726.209(a), which waive the DRE trial burn, the owner or operator shall submit:

- i) Documentation that the device is operated in conformance with the requirements of 35 Ill. Adm. Code 726.209(a)(1).
- ii) Results of analyses of each waste to be burned, documenting the concentrations of nonmetal compounds listed in 35 Ill. Adm. Code 721. Appendix H, except for those constituents that would reasonably not be expected to be in the waste. The constituents excluded from analysis must be identified and the basis for their exclusion explained. The analysis must rely on analytical techniques specified in Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods,

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- incorporated by reference in r-see 35 Ill. Adm. Code 720.1117.
- iii) Documentation of hazardous waste firing rates and calculations of reasonable, worst-case emission rates of each constituent identified in subsection (a)(2)(B)(iii) of this Section above using procedures provided by 35 Ill. Adm. Code 726.209(a)(2)(B).
- iv) Results of emissions dispersion modeling for emissions identified in subsection (a)(2)(B)(iii) of this Section above using modeling procedures prescribed by 35 Ill. Adm. Code 726.206(h). The Agency shall review the emission modeling conducted by the applicant to determine conformance with these procedures. The Agency shall either approve the modeling or determine that alternate or supplementary modeling is appropriate.
- v) Documentation that the maximum annual average ground level concentration of each constituent identified in subsection (a)(2)(B)(ii) of this Section above quantified in conformance with subsection (a)(2)(B)(iv) of this Section above does not exceed the allowable ambient level established in 35 Ill. Adm. Code 726-Appendix D or E. The acceptable ambient concentration for emitted constituents for which a specific reference air concentration has not been established in 35 Ill. Adm. Code 726-Appendix D or risk-specific doses does has not been established in 35 Ill. Adm. Code 726-Appendix E is 0.1 micrograms per cubic meter, as noted in the footnote to 35 Ill. Adm. Code 726-Appendix D.
- 3) Waiver of trial burn for metals. When seeking to be permitted under the Tier I (or adjusted Tier I) metals feed rate screening limits provided by 35 Ill. Adm. Code 726.206(b) and (e) that control metals emissions without requiring a trial burn, the owner or operator shall submit:
- Documentation of the feed rate of hazardous waste, other fuels, and industrial furnace feed stocks;
  - Documentation of the concentration of each metal controlled by 35 Ill. Adm. Code 726.206(b) or (c) in the hazardous waste, other fuels and industrial furnace feedstocks, and calculations of the total feed rate of each metal;
  - Documentation of how the applicant will ensure that the Tier I feed rate screening limits provided by 35 Ill. Adm. Code 726.206(b) or (e) will not be exceeded during the averaging period provided by that subsection;
  - Documentation to support the determination of the TESH (terrain-adjusted effective stack height), good engineering practice stack height, terrain type, and land use as

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- provided by 35 Ill. Adm. Code 726.206(b)(3) through (5);
- E) Documentation of compliance with the provisions of 35 Ill. Adm. Code 726.206(b)(6), if applicable, for facilities with multiple stacks;
- F) Documentation that the facility does not fail the criteria provided by 35 Ill. Adm. Code 726.206(b)(7) for eligibility to comply with the screening limits; and
- G) Proposed sampling and metals analysis plan for the hazardous waste, other fuels, and industrial furnace feed stocks.
- 4) Waiver of trial burn for PM (particulate matter). When seeking to be permitted under the low risk waste provisions of 35 Ill. Adm. Code 726.209(b), which waives the particulate standard (and trial burn to demonstrate conformance with the particulate standard), applicants shall submit documentation supporting conformance with subsections (a)(2)(B) and (a)(3) of this Section above.
- 5) Waiver of trial burn for HCl and chlorine gas. When seeking to be permitted under the Tier I (or adjusted Tier I) feed rate screening limits for total chlorine and chloride provided by 35 Ill. Adm. Code 726.207(b)(1) and (e) that control emissions of by HCl and chlorine gas without requiring a trial burn, the owner or operator shall submit:
- Documentation of the feed rate of hazardous waste, other fuels, and industrial furnace feed stocks;
  - Documentation of the levels of total chlorine and chloride in the hazardous waste, other fuels and industrial furnace feedstocks, and calculations of the total feed rate of total chlorine and chloride;
  - Documentation of how the applicant will ensure that the Tier I (or adjusted Tier I) feed rate screening limits provided by 35 Ill. Adm. Code 726.207(b)(1) or (e) will not be exceeded during the averaging period provided by that subsection;
  - Documentation to support the determination of the TESH, good engineering practice stack height, terrain type and land use as provided by 35 Ill. Adm. Code 726.207(b)(3);
  - Documentation of compliance with the provisions of 35 Ill. Adm. Code 726.207(b)(4), if applicable, for facilities with multiple stacks;
  - Documentation that the facility does not fail the criteria provided by 35 Ill. Adm. Code 726.207(b)(3) for eligibility to comply with the screening limits; and
  - Proposed sampling and analysis plan for total chlorine and chloride for the hazardous waste, other fuels, and industrial furnace feedstocks.
- 6) Data in lieu of trial burn. The owner or operator may seek an exemption from the trial burn requirements to demonstrate conformance with Section 703.232 and 35 Ill. Adm. Code 726.204

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through 726.207 by providing the information required by Section 703.232 from previous compliance testing of the device in conformance with 35 Ill. Adm. Code 726.203 or from compliance testing or trial or operational burns of similar boilers or industrial furnaces burning similar hazardous wastes under similar conditions. ~~If data from a similar device is used to support a trial burn waiver, the design and operating information required by Section 703.232 must be provided for both the similar device and the device to which the data is to be applied, and a comparison of the design and operating information must be provided. The Agency shall approve a permit application without a trial burn if the Agency finds that the hazardous wastes are sufficiently similar, the devices are sufficiently similar, the operating conditions are sufficiently similar, and the data from other compliance tests, trial burns, or operational burns are adequate to specify (under 35 Ill. Adm. Code 726.102) operating conditions that will ensure conformance with 35 Ill. Adm. Code 726.102(c).~~ In addition, the following information shall be submitted:

- A) For a waiver from any trial burn:
  - i) A description and analysis of the hazardous waste to be burned compared with the hazardous waste for which data from compliance testing or operational or trial burns are provided to support the contention that a trial burn is not needed;
  - ii) The design and operating conditions of the boiler or industrial furnace to be used, compared with that for which comparative burn data are available; and
  - iii) Such supplemental information as the Agency finds necessary to achieve the purposes of this subsection (a).
- B) For a waiver of the DRE trial burn, the basis for selection of POHCs (principal organic hazardous constituents) used in the trial or operational burns which demonstrate compliance with the DRE performance standard in 35 Ill. Adm. Code 726.204(e). This analysis should specify the constituent in 35 Ill. Adm. Code 721. Appendix H that the applicant has identified in the hazardous waste for which a permit is sought and any differences from the POHCs in the hazardous waste for which burn data are provided.
- b) Alternative HC limit for industrial furnaces with organic matter in raw materials. Owners and operators of industrial furnaces requesting

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an alternative HC limit under 35 Ill. Adm. Code 726.204(f) shall submit the following information at a minimum:

- 1) Documentation that the furnace is designed and operated to minimize HC emissions from fuels and raw materials;
  - 2) Documentation of the proposed baseline flue gas HC (and CO) concentration, including data on HC (and CO) levels during tests when the facility produced normal products under normal operating conditions from normal raw materials while burning normal fuels and when not burning hazardous waste;
  - 3) Test burn protocol to confirm the baseline HC (and CO) level including information on the type and flow rate of all feedstreams, point of introduction of all feedstreams, total organic carbon content (or other appropriate measure of organic content) of all nonfuel feedstreams, and operating conditions that affect combustion of fuels ~~feedst~~ and destruction of hydrocarbon emissions from nonfuel sources;
  - 4) Trial burn plan to:
    - A) Demonstrate that flue gas HC (and CO) concentrations when burning hazardous waste do not exceed the baseline HC (and CO) level; and
    - B) Identify, in conformance with Section 703.232(d), the types and concentrations of organic compounds listed in 35 Ill. Adm. Code 721. Appendix H that are emitted when burning hazardous waste;
  - 5) Implementation plan to monitor over time changes in the operation of the facility that could reduce the baseline HC level and procedures to periodically confirm the baseline HC level; and
  - 6) Such other information as the Agency finds necessary to achieve the purposes of this subsection (b).
- c) Alternative metals implementation approach. When seeking to be permitted under an alternative metals implementation approach under 35 Ill. Adm. Code 726.206(f), the owner or operator shall submit documentation specifying how the approach ensures compliance with the metals emissions standards of 35 Ill. Adm. Code 726.106(c) or (d) and how the approach can be effectively implemented and monitored. Further, the owner or operator shall provide such other information that the Agency finds necessary to achieve the purposes of this subsection (c).
- d) Automatic waste feed cutoff system. Owners and operators shall submit information describing the automatic waste feed cutoff system, including any pre-alarm systems that may be used.
  - e) Direct transfer. Owners and operators that use direct transfer operations to feed hazardous waste from transport vehicles (containers, as defined in 35 Ill. Adm. Code 726.211) directly to the boiler or industrial furnace shall submit information supporting conformance with the standards for direct transfer provided by 35 Ill. Adm. Code 726.211.
  - f) Residues. Owners and operators that claim that their residues are

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excluded from regulation under the provision of 35 Ill. Adm. Code 702.112 shall submit information adequate to demonstrate conformance with those provisions.

BOARD NOTE: Derived from 40 CFR 270.22 (1999), as amended at 64 Fed. Reg. 53077 (September 30, 1999) (49967).

(Source: Amended at 24 Ill. Reg. 0765, effective June 20, 2000)

## SUBPART E: SHORT TERM AND PHASED PERMITS

Section 703.220 Emergency Permits

a) Notwithstanding any other provision of this Part or 35 Ill. Adm. Code 702 or 705, in the event that the Agency finds an imminent and substantial endangerment to human health or the environment the Agency may issue a temporary emergency permit:

- 1) To a non-permitted facility to allow treatment, storage or disposal of hazardous waste; or
- 2) To a permitted facility to allow treatment, storage or disposal of a hazardous waste not covered by an effective permit.

b) This emergency permit must comply with all of the following requirements:

- 1) May be oral or written. If oral, it must be followed in five days by a written emergency permit.<sup>7</sup>
- 2) Shall not exceed 90 days in duration.<sup>7</sup>
- 3) Shall clearly specify the hazardous wastes to be received and the manner and location of their treatment, storage or disposal.<sup>7</sup>
- 4) May be terminated by the Agency at any time without process if it determines that termination is appropriate to protect human health and the environment.<sup>7</sup>
- 5) Shall be accompanied by a public notice published under 35 Ill. Adm. Code 705.162 including:
  - A) Name and address of the office granting the emergency authorization;
  - B) Name and location of the permitted HMW facility;
  - C) A brief description of the wastes involved;
  - D) A brief description of the action authorized and reasons for authorizing it; and
  - E) Duration of the emergency permit.<sup>7</sup> and
- 6) Shall incorporate, to the extent possible and not inconsistent with the emergency situation, all applicable requirements of this Part and 35 Ill. Adm. Code 724.
- 7) Emergency permits that which would authorize actions not in compliance with Board rules, other than procedural requirements, require a variance or provisional variance pursuant to Title IX of the Environmental Protection Act and 35 Ill. Adm. Code 104.

BOARD NOTE: Derived from 40 CFR 270.61 (1992) (49967).

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(Source: Section 703.221-renumbered to Section 703.220 and amended at 24 Ill. Reg. 0765, effective June 20, 2000)

Section 703.221 Alternative Compliance with the Federal NESHAPS

When an owner or operator demonstrates compliance with the air emission standards and limitations of the federal National Emission Standards for Hazardous Air Pollutants (NESHAPS) in 40 CFR 63, subpart EEE, incorporated by reference in 35 Ill. Adm. Code 720.111 (i.e., by conducting a comprehensive performance test and submitting a Notification of Compliance), the requirements of Sections 703.221 through 703.225 do not apply. Nevertheless, the Agency may apply the provisions of Sections 703.221 through 703.225, on a case-by-case basis, for purposes of information collection in accordance with Sections 703.188 and 703.241(a)(2).

BOARD NOTE: Derived from 40 CFR 270.62 Preamble (1999), as added at 64 Fed. Reg. 53077 (September 30, 1999).

(Source: Old Section 703.221 renumbered to Section 703.220 and new Section 703.221 added at 24 Ill. Reg. 0765, effective June 20, 2000)

Section 703.232 Permits for Boilers and Industrial Furnaces Burning Hazardous Waste

When an owner or operator of a cement or lightweight aggregate kiln demonstrates compliance with the air emission standards and limitations of the federal National Emission Standards for Hazardous Air Pollutants (NESHAPS) in 40 CFR 63, subpart EEE, incorporated by reference in 35 Ill. Adm. Code 720.111 (i.e., by conducting a comprehensive performance test and submitting a Notification of Compliance), the requirements of this Section do not apply. Nevertheless, the Agency may apply the provisions of this Section, on a case-by-case basis, for purposes of information collection in accordance with Sections 703.188 and 703.241(a)(2).

- a) General. Owners and operators of new boilers and industrial furnaces (those not operating under the interim status standards of 35 Ill. Adm. Code 726.203) are subject to subsections (b) through (f) of this Section. Boilers and industrial furnaces operating under the interim status standards of 35 Ill. Adm. Code 726.203 are subject to subsection (g) of this Section.
- b) Permit operating periods for new boilers and industrial furnaces. A permit for a new boiler or industrial furnace must specify appropriate conditions for the following operating periods:

- 1) Pretrial burn period. For the period beginning with initial introduction of hazardous waste and ending with initiation of the trial burn, and only for the minimum time required to bring the boiler or industrial furnace to a point of operation readiness to conduct a trial burn, not to exceed 720 hours operating time when burning hazardous waste, the Agency shall establish permit



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conditions in the pretrial burn period. ~~Pretrial--Burn--Period,~~ including but not limited to allowable hazardous waste feed rates and operating conditions. The Agency shall extend the duration of this operational period once, for up to 720 additional hours, at the request of the applicant when good cause is shown. The permit must not be modified to reflect the extension according to Section 703.280 et seq.

A) Applicants must submit a statement, with Part B of the permit application, that suggests the conditions necessary to operate in compliance with the standards of 35 Ill. Adm. Code 726.204 through 726.207 during this period. This statement should include, at a minimum, restrictions on the applicable operating requirements identified in 35 Ill. Adm. Code 726.202(e).

B) The Agency shall review this statement and any other relevant information submitted with Part B of the permit application and specify requirements for this period sufficient to meet the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 based on the Agency's engineering judgment.

2) Trial burn period. For the duration of the trial burn, the Agency shall establish conditions in the permit for the purposes of determining feasibility of compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 and determining adequate operating conditions under 35 Ill. Adm. Code 726.202(e). Applicants shall propose a trial burn plan, prepared under subsection (c) of this Section, to be submitted with Part B of the permit application.

3) Post-trial burn period.

A) For the period immediately following completion of the trial burn, and only for the minimum period sufficient to allow sample analysis, data computation and submission of the trial burn results by the applicant, and review of the trial burn results and modification of the facility permit by the Agency to reflect the trial burn results, the Agency shall establish the operating requirements most likely to ensure compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 based on the Agency's engineering judgment.

B) Applicants shall submit a statement, with Part B of the application, that identifies the conditions necessary to operate during this period in compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207. This statement should include, at a minimum, restrictions on the operating requirements provided by 35 Ill. Adm. Code 726.202(e).

C) The Agency shall review this statement and any other relevant information submitted with Part B of the permit

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application and specify requirements of this period sufficient to meet the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 based on the Agency's engineering judgment.

4) Final permit period. For the final period of operation the Agency shall develop operating requirements in conformance with 35 Ill. Adm. Code 726.202(e) that reflect conditions in the trial burn plan and are likely to ensure compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207. Based on the trial burn results, the Agency shall make any necessary modifications to the operating requirements to ensure compliance with the performance standards. The permit modification must proceed according to Section 703.280 et seq.

c) Requirements must proceed according to Section 703.280 et seq. of the following information. The Agency, in reviewing the trial burn plan, shall evaluate the sufficiency of the information provided and may require the applicant to supplement this information, if necessary, to achieve the purposes of this subsection (c).

1) An analysis of each feed stream, including hazardous waste, other fuels, and industrial furnace feed stocks, as fired, that includes:

A) Heating value, levels of antimony, arsenic, barium, beryllium, cadmium, chromium, lead, mercury, silver, thallium, total chlorine/chloride, and ash; and

B) Viscosity or description of the physical form of the feed stream.

2) An analysis of each hazardous waste, as fired, including:

A) An identification of any hazardous organic constituents listed in 35 Ill. Adm. Code 721. Appendix H that are present in the feed stream, except that the applicant need not analyze for constituents listed in 721. Appendix H that would reasonably not be expected to be found in the hazardous waste. The constituents excluded from analysis must be identified and the basis for this exclusion explained. The analysis must be conducted in accordance with analytical techniques specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, as incorporated by reference at 35 Ill. Adm. Code 720.111 and Section 703.110, or their equivalent. <sup>7</sup>

B) An approximate quantification of the hazardous constituents identified in the hazardous waste, within the precision produced by the analytical methods specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, as incorporated by reference at 35 Ill. Adm. Code 720.111 and Section 703.110, or other equivalent; and <sup>7</sup>

C) A description of blending procedures, if applicable, prior to firing the hazardous waste, including a detailed analysis

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of the hazardous waste prior to blending, an analysis of the material with which the hazardous waste is blended, and blending ratios.

- 3) A detailed engineering description of the boiler or industrial furnace, including:

- A) Manufacturer's name and model number of the boiler or industrial furnace;
- B) Type of boiler or industrial furnace;
- C) Maximum design capacity in appropriate units;
- D) Description of the feed system for the hazardous waste and, as appropriate, other fuels and industrial furnace feedstocks;
- E) Capacity of hazardous waste feed system;
- F) Description of automatic hazardous waste feed cutoff systems ~~system~~;
- G) Description of any pollution control system; and
- H) Description of stack gas monitoring and any pollution control monitoring systems.

- 4) A detailed description of sampling and monitoring procedures, including sampling and monitoring locations in the system, the equipment to be used, sampling and monitoring frequency, and sample analysis.

- 5) A detailed test schedule for each hazardous waste for which the trial burn is planned, including dates ~~dates~~, duration, quantity of hazardous waste to be burned, and other factors relevant to the Agency's decision under subsection (b)(2) of this Section.

- 6) A detailed test protocol, including, for each hazardous waste identified, the ranges of hazardous waste feed rate, and, as appropriate, the feed rates of other fuels and industrial furnace feedstocks, and any other relevant parameters that may affect the ability of the boiler or industrial furnace to meet the performance standards in 35 Ill. Adm. Code 726.204 through 726.207.

- 7) A description of and planned operating conditions for any emission control equipment that will be used.

- 8) Procedures for rapidly stopping the hazardous waste feed and controlling emissions in the event of an equipment malfunction.

- 9) Such other information as the Agency finds necessary to determine whether to approve the trial burn plan in light of the purposes of this subsection [G] and the criteria in subsection (b)(2) of this Section.

- d) Trial burn procedures.

- 1) A trial burn must be conducted to demonstrate conformance with the standards of 35 Ill. Adm. Code 726.104 through 726.107.
- 2) The Agency shall approve a trial burn plan if the Agency finds that:

- A) The trial burn is likely to determine whether the boiler or

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Industrial furnace can meet the performance standards of 35 Ill. Adm. Code 726.104 through 726.107;

- B) The trial burn itself will not present an imminent hazard to human health and the environment;

- C) The trial burn will help the Agency to determine operating requirements to be specified under 35 Ill. Adm. Code 726.102(e); and

- D) The information sought in the trial burn cannot reasonably be developed through other means.

- 3) The Agency shall send a notice to all persons on the facility mailing list, as set forth in 35 Ill. Adm. Code 705.161(a), and to the appropriate units of State and local government, as set forth in 35 Ill. Adm. Code 705.163(a)(5), announcing the scheduled commencement and completion dates for the trial burn. The applicant may not commence the trial burn until after the Agency has issued such notice.

- A) This notice must be mailed within a reasonable time period before the trial burn. An additional notice is not required if the trial burn is delayed due to circumstances beyond the control of the facility or the Agency.

- B) This notice must contain:

- i) The name and telephone number of applicant's contact person;

- ii) The name and telephone number of the Agency regional office appropriate for the facility;

- iii) The location where the approved trial burn plan and any supporting documents can be reviewed and copied; and

- iv) An expected time period for commencement and completion of the trial burn.

- 4) The applicant shall submit to the Agency a certification that the trial burn has been carried out in accordance with the approved trial burn plan, and submit the results of all the determinations required in subsection (c) of this Section. The Agency shall, in the trial burn plan, require that the submission be made within 90 days after completion of the trial burn, or later if the Agency determines that a later date is acceptable.

- 5) All data collected during any trial burn must be submitted to the Agency following completion of the trial burn.

- 6) All submissions required by this subsection (d) must be certified on behalf of the applicant by the signature of a person authorized to sign a permit application or a report under 35 Ill. Adm. Code 702.126.

- e) Special procedures for DRE trial burns. When a DRE trial burn is required under 35 Ill. Adm. Code 726.104, the Agency shall specify (based on the hazardous waste analysis data and other information in the trial burn plan) as trial Principal Organic Hazardous Constituents (POHCs) those compounds for which destruction and removal efficiencies



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must be calculated during the trial burn. These trial POHCs will be specified by the Agency based on information including the Agency's estimate of the difficulty of destroying the constituents identified in the hazardous waste analysis, their concentrations or mass in the hazardous waste feed, and, for hazardous waste containing or derived from wastes listed in 35 Ill. Adm. Code 721 Subpart D, the hazardous waste organic constituents ~~constituents~~ identified in 35 Ill. Adm. Code 721 Appendix G as the basis for listing.

- f) Determinations based on trial burn. During each approved trial burn (or as soon after the burn as is practicable), the applicant shall make the following determinations:

- 1) A quantitative analysis of the levels of antimony, arsenic, barium, beryllium, cadmium, chromium, lead, mercury, thallium, silver, and chlorine/chloride in the feed streams (hazardous waste, other fuels, and industrial furnace feedstocks);
- 2) When a DRE trial burn is required under 35 Ill. Adm. Code 726.204(a):

- A) A quantitative analysis of the trial POHCs in the hazardous waste feed;
- B) A quantitative analysis of the stack gas for the concentration and mass emissions of the trial POHCs; and
- C) A computation of destruction and removal efficiency (DRE), in accordance with the DRE formula specified in 35 Ill. Adm. Code 726.204(a);

- 3) When a trial burn for chlorinated dioxins and furans is required under 35 Ill. Adm. Code 726.204(e), a quantitative analysis of the stack gas for the concentration and mass emission rate of the 2,3,7,8-chlorinated tetra- through octa-congeners of chlorinated dibenzo-p-dioxins and furans, and a computation showing conformance with the emission standard;

- 4) When a trial burn for PM, metals, or HCl and chlorine ~~hydrochloric~~ gas is required under 35 Ill. Adm. Code 726.205, 726.206(c) or (d), or 726.207(b)(2) or (c), a quantitative analysis of the stack gas for the concentrations and mass emissions of PM, metals, or HCl and chlorine gas, and computations showing conformance with the applicable emission performance standards;

- 5) When a trial burn for DRE, metals, and HCl and chlorine ~~hydrochloric~~ gas is required under 35 Ill. Adm. Code 726.204(a), 726.206(c) or (d), or 726.207(b)(2) or (c), a quantitative analysis of the scrubber water (if any), ash residues, other residues, and products for the purpose of estimating the fate of the trial POHCs, metals, and chlorine and chloride ~~chlorine/chloride~~;

- 6) An identification of sources of fugitive emissions and their means of control;

- 7) A continuous measurement of carbon monoxide (CO), oxygen, and, where required, hydrocarbons (HC), in the stack gas; and

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- 8) Such other information as the Agency specifies as necessary to ensure that the trial burn will determine compliance with the performance standards 35 Ill. Adm. Code 726.204 through 726.207 and to establish the operating conditions required by 35 Ill. Adm. Code 726.204 through 726.207 and of determining adequate operating conditions under 35 Ill. Adm. Code 726.203, and to establish the operating conditions required by 35 Ill. Adm. Code 726.202(e) as necessary to meet those performance standards.

- g) Interim status boilers and industrial furnaces. For the purpose of determining feasibility of compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 and of determining adequate operating conditions under 35 Ill. Adm. Code 726.203, applicants owning or operating existing boilers or industrial furnaces operated under the interim status standards of 35 Ill. Adm. Code 726.203 shall either prepare and submit a trial burn plan and perform a trial burn in accordance with the requirements of this ~~the~~ Section or submit other information as specified in Section 703.208(a)(6). The Agency shall announce its intention to approve of the trial burn plan in accordance with the timing and distribution requirements of subsection (d)(3) of this Section. The contents of the notice must include all of the following information: the name and telephone number of a contact person at the facility; the name and telephone number of the Agency regional office appropriate for the facility; the location where the trial burn plan and any supporting documents can be reviewed and copied; and a schedule of the activities that are required prior to permit issuance, including the anticipated time schedule for agency approval of the plan and the time periods during which the trial burn would be conducted. Applicants that submit a trial burn plan and receive approval before submission of the Part B permit application shall complete the trial burn and submit the results specified in subsection (f) of this Section with the Part B permit application. If completion of this process conflicts with the date set for submission of the Part B application, the applicant shall contact the Agency to establish a later date for submission of the Part B application or the trial burn results. If the applicant submits a trial burn plan with Part B of the permit application, the trial burn must be conducted and the results submitted within a time period prior to permit issuance to be specified by the Agency.

BOARD NOTE: Derived from 40 CFR 270.66 (1999), as amended at 64 Fed. Reg. 53077 (September 30, 1999) (4996).

(Source: Amended at 24 Ill. Reg. 9765, effective June 20, 2000)

## SUBPART H: REMEDIAL ACTION PLANS

## Section 703.301 General Information

- a) What is a RAP?

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- 1) A RAP is a special form of RCRA permit that an owner or operator may obtain, instead of a permit issued under 35 Ill. Adm. Code 702 and this Part, to authorize the owner or operator to treat, store, or dispose of hazardous remediation waste (as defined in 35 Ill. Adm. Code 720.110) at a remediation waste management site. A RAP may only be issued for the area of contamination where the remediation wastes to be managed under the RAP originated, or areas in close proximity to the contaminated area, except as allowed in limited circumstances under Section 703.306.
- 2) The requirements in 35 Ill. Adm. Code 702 and this Part do not apply to RAPs unless those requirements for traditional RCRA permits are specifically required under this Subpart H. The definitions in 35 Ill. Adm. Code 702.110 apply to RAPs.
- 3) Notwithstanding any other provision of 35 Ill. Adm. Code 702 or this Part, any document that meets the requirements in this Section constitutes a RCRA permit, as defined in 35 Ill. Adm. Code 702.110.
- 4) A RAP may be either of the following:
  - A) A stand-alone document that includes only the information and conditions required by this Subpart H; or
  - B) A part (or parts) of another document that includes information or conditions for other activities at the remediation waste management site, in addition to the information and conditions required by this Subpart H.
- 5) If an owner or operator is treating, storing, or disposing of hazardous remediation wastes as part of a cleanup compelled by authorities issued by USEPA or the State of Illinois, a RAP does not affect the obligations under those authorities in any way.
- 6) If an owner or operator receives a RAP at a facility operating under interim status, the RAP does not terminate the facility's interim status.

BOARD NOTE: Derived from 40 CFR 270.80 [1999], added at 63-Ped-Reg-65942-(Nov-30-1999).

- b) When does an owner or operator need a RAP?

- 1) Whenever an owner or operator treats, stores, or disposes of hazardous remediation wastes in a manner that requires a RCRA permit under Section 703.121, an owner or operator shall obtain either of the following:

- A) A RCRA permit according to 35 Ill. Adm. Code 702 and this Part; or
  - B) A RAP according to this Subpart H.
- 2) Treatment units that use combustion of hazardous remediation wastes at a remediation waste management site are not eligible for RAPs under this Subpart H.
- 3) An owner or operator may obtain a RAP for managing hazardous remediation waste at an already permitted RCRA facility. An owner or operator shall have the RAP approved as a modification to the owner's or operator's existing permit according to the

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requirements of Sections 703.270 through 703.273 or Sections 703.280 through 703.283 instead of the requirements in this Subpart H. However, when an owner or operator submits an application for such a modification, the information requirements in Sections 703.281(a)(1), 703.282(a)(4), and 703.283(a)(4) do not apply. Instead, an owner or operator shall submit the information required under Section 703.302(d). When the owner's or operator's RCRA permit is modified, the RAP becomes part of the RCRA permit. Therefore, when the owner's or operator's RCRA permit (including the RAP portion) is modified, revoked and reissued, or terminated, or when it expires, the permit will be modified according to the applicable requirements in Sections 703.270 through 703.273 or 703.280 through 703.283. 7 It will be revoked and reissued, according to the applicable requirements in 35 Ill. Adm. Code 702.186 and Sections 703.270 through 703.273. 7 or it will be terminated, according to the applicable requirements in 35 Ill. Adm. Code 702.186, or the permit will expire, according to the applicable requirements in 35 Ill. Adm. Code 702.125 and 702.161.

BOARD NOTE: Derived from 40 CFR 270.85 [1999], added at 63-Ped-Reg-65942-(Nov-30-1999).

- c) Does a RAP grant an owner or operator any rights or relieve it of any obligations? The provisions of 35 Ill. Adm. Code 702.181 apply to RAPs.

BOARD NOTE: Derived from 40 CFR 270.90 [1999], added at 63-Ped-Reg-65942-(Nov-30-1999). The corresponding federal provision includes an explanation that 40 CFR 270.4 provides that compliance with a permit constitutes compliance with RCRA. This is contrary to Illinois law, under which compliance with a permit does not constitute an absolute defense to a charge of violation of a substantive standard other than a failure to operate in accordance with the terms of a permit. See 35 Ill. Adm. Code 702.181(a) and accompanying Board Note.

(Source: Amended at 24 Ill. Reg. 9765, effective June 20, 2000)

## Section 703.303 Getting a RAP Approved

- a) What is the process for approving or denying an application for a RAP?
  - 1) If the Agency tentatively finds that an owner's or operator's RAP application includes all of the information required by Section 703.302(d) and that the proposed remediation waste management activities meet the regulatory standards, the Agency shall make a tentative decision to approve the RAP application. The Agency shall then prepare a draft RAP and provide an opportunity for public comment before making a final decision on the RAP application, according to this Subpart H.
  - 2) If the Agency tentatively finds that the owner's or operator's RAP application does not include all of the information required

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by Section 703.302(d) or that the proposed remediation waste management activities do not meet the regulatory standards, the Agency may request additional information from an owner or operator or ask an owner or operator to correct deficiencies in the owner's or operator's application. If an owner or operator fails or refuses to provide any additional information the Agency requests, or to correct any deficiencies in its RAP application, the Agency may either make a tentative decision to deny that owner's or operator's RAP application or to approve that application with certain changes, as allowed under Section 39 of the Act (415 ILCS 5/39). After making this tentative decision, the Agency shall prepare a notice of intent to deny the RAP application ("notice of intent to deny") or to approve that application with certain changes and provide an opportunity for public comment before making a final decision on the RAP application, according to the requirements in this Subpart H.

BOARD NOTE: Derived from 40 CFR 270.130 (1999) **added-at-63-Ped-Reg-65943--(Nov--30r-1998)**.

b) What must the Agency include in a draft RAP? If the Agency prepares a draft RAP, the draft must include the following information:

- 1) The information required under Section 703.302(d)(1) through (d)(6);
- 2) The following terms and conditions:
  - A) Terms and conditions necessary to ensure that the operating requirements specified in the RAP comply with applicable requirements of 35 Ill. Adm. Code 724, 726, and 728 (including any recordkeeping and reporting requirements). In satisfying this provision, the Agency may incorporate, expressly or by reference, applicable requirements of 35 Ill. Adm. Code 724, 726, and 728 into the RAP or establish site-specific conditions, as required or allowed by 35 Ill. Adm. Code 724, 726, and 728;
  - B) The terms and conditions in Subpart F of this Part;
  - C) The terms and conditions for modifying, revoking and reissuing, and terminating the RAP, as provided in Section 703.304(a); and
  - D) Any additional terms or conditions that the Agency determines are necessary to protect human health and the environment, including any terms and conditions necessary to respond to spills and leaks during use of any units permitted under the RAP; and
- 3) If the draft RAP is part of another document, as described in Section 703.301(a)(4)(B), the Agency shall clearly identify the components of that document that constitute the draft RAP.

BOARD NOTE: Derived from 40 CFR 270.135 (1999) **added-at-63-Ped-Reg-65943--(Nov--30r-1998)**.

c) What else must the Agency prepare in addition to the draft RAP or notice of intent to deny? Once the Agency has prepared the draft RAP

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or notice of intent to deny, it shall then do the following:

- 1) Prepare a statement of basis that briefly describes the derivation of the conditions of the draft RAP and the reasons for them or the rationale for the notice of intent to deny; following information:
  - A) The administrative record, including the following information:
    - A) The RAP application, and any supporting data furnished by the applicant;
    - B) The draft RAP or notice of intent to deny;
    - C) The statement of basis and all documents cited therein (material readily available at the applicable Agency office or published material that is generally available need not be physically included with the rest of the record, as long as it is specifically referred to in the statement of basis); and
    - D) Any other documents that support the decision to approve or deny the RAP; and
- 2) Make information contained in the administrative record available for review by the public upon request.

BOARD NOTE: Derived from 40 CFR 270.140 (1999) **added-at-63-Ped-Reg-65943--(Nov--30r-1998)**.

d) What are the procedures for public comment on the draft RAP or notice of intent to deny?

- 1) The Agency shall publish notice of its intent as follows:
  - A) Send notice to an owner or operator of its intention to approve or deny the owner's or operator's RAP application, and send an owner or operator a copy of the statement of basis;
  - B) Publish a notice of its intention to approve or deny the owner's or operator's RAP application in a major local newspaper of general circulation;
  - C) Broadcast its intention to approve or deny the owner's or operator's RAP application over a local radio station; and
  - D) Send a notice of its intention to approve or deny the owner's or operator's RAP application to each unit of local government having jurisdiction over the area in which the owner's or operator's site is located, and to each State agency having any authority under State law with respect to any construction or operations at the site.
- 2) The notice required by subsection (d)(1) of this Section must provide an opportunity for the public to submit written comments on the draft RAP or notice of intent to deny within at least 45 days.
- 3) The notice required by subsection (d)(1) of this Section must include the following information:
  - A) The name and address of the Agency office processing the RAP application;
  - B) The name and address of the RAP applicant, and if different,

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the remediation waste management site or activity the RAP will regulate;

- C) A brief description of the activity the RAP will regulate;
  - D) The name, address, and telephone number of a person from whom interested persons may obtain further information, including copies of the draft RAP or notice of intent to deny, statement of basis, and the RAP application;
  - E) A brief description of the comment procedures in this Section, and any other procedures by which the public may participate in the RAP decision;
  - F) If a hearing is scheduled, the date, time, location, and purpose of the hearing;
  - G) If a hearing is not scheduled, a statement of procedures to request a hearing;
  - H) The location of the administrative record, and times when it will be open for public inspection; and
  - I) Any additional information that the Agency considers necessary or proper.
- 4) If, within the comment period, the Agency receives written notice of opposition to its intention to approve or deny the owner's or operator's RAP application and a request for a hearing, the Agency shall hold an informal public hearing to discuss issues relating to the approval or denial of the owner's or operator's RAP application. The Agency may also determine on its own initiative that an informal hearing is appropriate. The hearing must include an opportunity for any person to present written or oral comments. Whenever possible, the Agency shall schedule the hearing at a location convenient to the nearest population center to the remediation waste management site and give notice according to the requirements in subsection (d)(1) of this Section. This notice must, at a minimum, include the information required by subsection (d)(3) of this Section and the following additional information:

- A) A reference to the date of any previous public notices relating to the RAP application;
- B) The date, time, and place of the hearing; and
- C) A brief description of the nature and purpose of the hearing, including the applicable rules and procedures.

BOARD NOTE: Derived from 40 CFR 270.145 (1999) ~~added-at-63-Fed-Reg-65943-(Nov-30-1998)~~.

e) How must the Agency make a final decision on a RAP application?

- 1) The Agency shall consider and respond to any significant comments raised during the public comment period or during any hearing on the draft RAP or notice of intent to deny, and the Agency may revise the draft RAP based on those comments, as appropriate.
- 2) If the Agency determines that the owner's or operator's RAP includes the information and terms and conditions required in subsection (b) of this Section, then it will issue a final

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decision approving the owner's or operator's RAP and, in writing, notify the owner or operator and all commenters on the owner's or operator's draft RAP that the RAP application has been approved.

3) If the Agency determines that the owner's or operator's RAP does not include the information required in subsection (b) of this Section, then it will issue a final decision denying the RAP and, in writing, notify the owner or operator and all commenters on the owner's or operator's draft RAP that the RAP application has been denied.

- 4) If the Agency's final decision is that the tentative decision to deny the RAP application was incorrect, it shall withdraw the notice of intent to deny and proceed to prepare a draft RAP, according to the requirements in this Subpart H.
- 5) When the Agency issues its final RAP decision, it shall refer to the procedures for appealing the decision under subsection (f) of this Section.

- 6) Before issuing the final RAP decision, the Agency shall compile an administrative record. Material readily available at the applicable Agency office or published materials that are generally available and which are included in the administrative record need not be physically included with the rest of the record, as long as it is specifically referred to in the statement of basis or the response to comments. The administrative record for the final RAP must include information in the administrative record for the draft RAP (see subsection (c)(2) of this Section) and the following items:

- A) All comments received during the public comment period;
- B) Tapes or transcripts of any hearings;
- C) Any written materials submitted at these hearings;
- D) The responses to comments;
- E) Any new material placed in the record since the draft RAP was issued;
- F) Any other documents supporting the RAP; and
- G) A copy of the final RAP.

- 7) The Agency shall make information contained in the administrative record available for review by the public upon request.

BOARD NOTE: Derived from 40 CFR 270.150 (1999) ~~added-at-63-Fed-Reg-65944-(Nov-30-1998)~~.

f) May the decision to approve or deny a RAP application be administratively appealed?

- 1) Any commenter on the draft RAP or notice of intent to deny, or any participant in any public hearing on the draft RAP, may appeal the Agency's decision to approve or deny the owner's or operator's RAP application to the Board under 35 Ill. Adm. Code 705.212. Any person that did not file comments, or did not participate in any public hearings ~~hearing(s)~~ on the draft RAP, may petition for administrative review only to the extent of the changes from the draft to the final RAP decision. Appeals of



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RAPs may be made to the same extent as for final permit decisions under 35 Ill. Adm. Code 705.201 (or a decision under Section 703.240 to deny a permit for the active life of a RCRA hazardous waste management facility or unit). Instead of the notice required under 35 Ill. Adm. Code 705-Subpart D and 705.212(c), the Agency shall give public notice of any grant of review of a RAP through the same means used to provide notice under subsection (d) of this Section. The notice will include the following information:

- A) The public hearing and any briefing schedule for the appeal, as provided by the Board;
- B) A statement that any interested person may participate in the public hearing or file public comments or an amicus brief with the Board; and
- C) The information specified in subsection (d)(3) of this Section, as appropriate.

2) This appeal is a prerequisite to seeking judicial review of these Agency actions.

BOARD NOTE: Derived from 40 CFR 270.155 (1999) ~~y-added-at-63-Ped-Reg-65944-tNov-30r-1998r~~.

- g) When does a RAP become effective? A An RAP becomes effective 35 days after the Agency notifies the owner or operator and all commenters that the RAP is approved, unless any of the following is true:

- 1) The Agency specifies a later effective date in its decision;
- 2) An owner or operator or another person has appealed the RAP under subsection (f) of this Section (if the RAP is appealed, and the request for review is granted under subsection (f), conditions of the RAP are stayed according to 35 Ill. Adm. Code 705.202 through 705.204); or

- 3) No commenters requested a change in the draft RAP, in which case the RAP becomes effective immediately when it is issued.

BOARD NOTE: Derived from 40 CFR 270.160 (1999) ~~y-added-at-63-Ped-Reg-65944-tNov-30r-1998r~~. The corresponding federal provision provides that a RAP is effective 30 days after the Agency notice of approval. The Board has used 35 days to be consistent with the 35 days within which a permit appeal must be filed under Section 40(a)(1) of the Act (415 ILCS 5/40(a)(1)).

- h) When may an owner or operator begin physical construction of new units permitted under the RAP? An owner or operator shall not begin physical construction of new units permitted under the RAP for treating, storing, or disposing of hazardous remediation waste before receiving a final, finally effective RAP.

BOARD NOTE: Derived from 40 CFR 270.165 (1999) ~~y-added-at-63-Ped-Reg-65944-tNov-30r-1998r~~.

(Source: Amended at 24 Ill. Reg. 9765, effective June 20, 2000)

Section 703.304 How a RAP May Be Modified, Revoked and Reissued, or Terminated

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- a) After a RAP is issued, how may it be modified, revoked and reissued, or terminated? In a RAP, the Agency shall specify, either directly or by reference, procedures for any future modification, revocation and reissuance, or termination of the RAP. These procedures must provide adequate opportunities for public review and comment on any modification, revocation and reissuance, or termination that would significantly change the owner's or operator's management of its remediation waste, or that otherwise merits public review and comment. If the RAP has been incorporated into a traditional RCRA permit, as allowed under Section 703.301(b)(3), then the RAP will be modified according to the applicable requirements in Sections 703.260 through 703.283, revoked and reissued according to the applicable requirements in 35 Ill. Adm. Code 702.186 and Sections 703.270 through 703.273, or terminated according to the applicable requirements of 35 Ill. Adm. Code 702.186.

BOARD NOTE: Derived from 40 CFR 270.170 (1999) ~~y-added-at-63-Ped-Reg-65944-tNov-30r-1998r~~.

- b) For what reasons may the Agency choose to modify a final RAP?

1) The Agency may modify the owner's or operator's final RAP on its own initiative only if one or more of the following reasons do not exist, then the Agency shall not modify a final RAP, except at the request of the owner or operator. Reasons for modification are the following:

- A) The owner or operator made material and substantial alterations or additions to the activity that justify applying different conditions;
- B) The Agency finds new information that was not available at the time of RAP issuance and would have justified applying different RAP conditions at the time of issuance;
- C) The standards or regulations on which the RAP was based have changed because of new or amended statutes, standards, or regulations or by judicial decision after the RAP was issued;
- D) If the RAP includes any schedules of compliance, the Agency may find reasons to modify the owner's or operator's compliance schedule, such as an act of God, strike, flood, or materials shortage or other events over which an owner or operator has little or no control and for which there is no reasonably available remedy;
- E) The owner or operator is not in compliance with conditions of its RAP;
- F) The owner or operator failed in the application or during the RAP issuance process to disclose fully all relevant facts, or an owner or operator misrepresented any relevant facts at the time;
- G) The Agency has determined that the activity authorized by the owner's or operator's RAP endangers human health or the



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environment and can only be remedied by modifying the RAP; or

H) The owner or operator has notified the Agency (as required in the RAP and under 35 Ill. Adm. Code 702.152(c)) of a proposed transfer of a RAP.

2) Notwithstanding any other provision in this Section, when the Agency reviews a RAP for a land disposal facility under Section 703.304(f), it may modify the permit as necessary to assure that the facility continues to comply with the currently applicable requirements in 35 Ill. Adm. Code 702, 703, and 720 through 726.

3) The Agency shall not reevaluate the suitability of the facility location at the time of RAP modification unless new information or standards indicate that a threat to human health or the environment exists that was unknown when the RAP was issued.

BOARD NOTE: Derived from 40 CFR 270.175 (1999) ~~Reg-65944-(Nov-30-1999)~~ ~~Reg-65944-(Nov-30-1999)~~.

c) For what reasons may the Agency choose to revoke and reissue a final RAP?

1) The Agency may revoke and reissue a final RAP on its own initiative only if one or more reasons for revocation and reissuance exist. If one or more reasons do not exist, then the Agency shall not modify or revoke and reissue a final RAP, except at the owner's or operator's request. Reasons for modification or revocation and reissuance are the same as the reasons listed for RAP modifications in subsections (b)(1)(E) through (b)(1)(H) of this Section if the Agency determines that revocation and reissuance of the RAP is appropriate.

2) The Agency shall not reevaluate the suitability of the facility location at the time of RAP revocation and reissuance, unless new information or standards indicate that a threat to human health or the environment exists that was unknown when the RAP was issued.

BOARD NOTE: Derived from 40 CFR 270.180 (1999) ~~Reg-65945-(Nov-30-1999)~~ ~~Reg-65945-(Nov-30-1999)~~.

d) For what reasons may the Agency choose to terminate a final RAP, or deny a renewal application? The Agency may terminate a final RAP on its own initiative or deny a renewal application for the same reasons as those listed for RAP modifications in subsections (b)(1)(E) through (b)(1)(G) of this Section if the Agency determines that termination of the RAP or denial of the RAP renewal application is appropriate.

BOARD NOTE: Derived from 40 CFR 270.185 (1999) ~~Reg-65945-(Nov-30-1999)~~ ~~Reg-65945-(Nov-30-1999)~~.

e) May the decision to approve or deny a modification, revocation and reissuance, or termination of a RAP be administratively appealed?

1) Any commenter on the modification, revocation and reissuance, or termination, or any person that participated in any hearing on these actions, may appeal the Agency's decision to approve a

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modification, revocation and reissuance, or termination of a RAP, according to Section 703.303(f). Any person that did not file comments or did not participate in any public hearing on the modification, revocation and reissuance, or termination may petition for administrative review only of the changes from the draft to the final RAP decision.

2) Any commenter on the modification, revocation and reissuance, or termination, or any person that participated in any hearing on these actions, may appeal the Agency's decision to deny a request for modification, revocation and reissuance, or termination to the Board. Any person that did not file comments or which did not participate in any public hearing on the modification, revocation and reissuance, or termination may petition for administrative review only of the changes from the draft to the final RAP decision.

3) The procedure for appeals of RAPs is as follows:

A) The person appealing the decision shall send a petition to the Board pursuant to 35 Ill. Adm. Code 101 and 105. The petition must briefly set forth the relevant facts, state the defect or fault that serves as the basis for the appeal, and explain the basis for the petitioner's legal standing to pursue the appeal.

B) The Board has 120 days after receiving the petition to act on it.

C) If the Board does not take action on the petition within 120 days after receiving it, the appeal shall be considered denied.

BOARD NOTE: Corresponding 40 CFR 270.190(c)(2) and (c)(3) (1999) ~~Reg-65945-(Nov-30-1999)~~ ~~Reg-65945-(Nov-30-1999)~~ allow 60 days for administrative review, which is too short a time for the Board to publish the appropriate notices, conduct public hearings, and conduct its review. Rather, the Board has borrowed the 120 days allowed as adequate time for Board review of permit appeals provided in Section 40(a)(2) of the Act (415 ILCS 5/40(a)(2)).

4) This appeal is a prerequisite to seeking judicial review of the Agency action on the RAP.

BOARD NOTE: Derived from 40 CFR 270.190 (1999) ~~Reg-65945-(Nov-30-1999)~~ ~~Reg-65945-(Nov-30-1999)~~. The corresponding federal provisions provide for informal appeal of an Agency RAP decision. There is no comparable informal procedure under Sections 39 and 40 of the Act (415 ILCS and 40).

f) When will a RAP expire? RAPs must be issued for a fixed term, not to exceed 10 years, although they may be renewed upon approval by the Agency in fixed increments of no more than ten years. In addition, the Agency shall review any RAP for hazardous waste land disposal five years after the date of issuance or reissuance and the owner or operator or the Agency shall follow the requirements for modifying the

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RAP as necessary to assure that the owner or operator continues to comply with currently applicable requirements in the Act and RCRA sections 3004 and 3005.

BOARD NOTE: Derived from 40 CFR 270.195 (1999)-~~added-at-63-Fed.-Reg-65945-tNovr-30v-1998t.~~

- g) How may an owner or operator renew a RAP that is expiring? If an owner or operator wishes to renew an expiring RAP, the owner or operator shall follow the process for application for and issuance of RAPs in this Subpart H.

BOARD NOTE: Derived from 40 CFR 270.200 (1999)-~~added-at-63-Fed.-Reg-65945-tNovr-30v-1998t.~~

- h) What happens if the owner or operator has applied correctly for a RAP renewal but has not received approval by the time its old RAP expires? If the owner or operator has submitted a timely and complete application for a RAP renewal, but the Agency, through no fault of the owner or operator, has not issued a new RAP with an effective date on or before the expiration date of the previous RAP, the previous RAP conditions continue in force until the effective date of the new RAP or RAP denial.

BOARD NOTE: Derived from 40 CFR 270.205 (1999)-~~added-at-63-Fed.-Reg-65945-tNovr-30v-1998t.~~

(Source: Amended at 24 Ill. Reg. 9765 effective June 20, 2000)

### Section 703.306 Obtaining a RAP for an Off-Site Location

May an owner or operator perform remediation waste management activities under a RAP at a location removed from the area where the remediation wastes originated?

- a) An owner or operator may request a RAP for remediation waste management activities at a location removed from the area where the remediation wastes originated if the owner or operator believes such a location would be more protective than the contaminated area or areas in close proximity.

- b) If the Agency determines that an alternative location, removed from the area where the remediation waste originated, is more protective than managing remediation waste at the area of contamination or areas in close proximity, then the Agency shall approve a RAP for this alternative location.

- c) An owner or operator shall request the RAP, and the Agency shall approve or deny the RAP, according to the procedures and requirements in this Subpart H of this Part.

- d) A RAP for an alternative location must also meet the following requirements, which the Agency shall include in the RAP for such locations:

- 1) The RAP for the alternative location must be issued to the person responsible for the cleanup from which the remediation wastes originated;

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- 2) The RAP is subject to the expanded public participation requirements in Sections 703.191, 703.192, and 703.193;  
3) The RAP is subject to the public notice requirements in 35 Ill. Adm. Code 705.163;

- 4) The site permitted in the RAP may not be located within 61 meters or 200 feet of a fault that has had displacement in the Holocene time. (The owner or operator shall demonstrate compliance with this standard through the requirements in Section 703.183(k).) (See the definitions of terms in 35 Ill. Adm. Code 724.118(a).)

BOARD NOTE: Sites in Illinois are assumed to be in compliance with the requirement of subsection (d)(4) of this Section, since they are not listed in 40 CFR 264, Appendix VI.

- e) These alternative locations are remediation waste management sites, and retain the following benefits of remediation waste management sites:

- 1) Exclusion from facility-wide corrective action under 35 Ill. Adm. Code 724.201, and  
2) Application of 35 Ill. Adm. Code 724.101(j) in lieu of 35 Ill. Adm. Code 724.202, 724.203, 724.204, 724.205, 724.206, 724.207, 724.208, 724.209, 724.210, 724.211, 724.212, 724.213, 724.214, 724.215, 724.216, 724.217, 724.218, 724.219, 724.220, 724.221, 724.222, 724.223, 724.224, 724.225, 724.226, 724.227, 724.228, 724.229, 724.230, 724.231, 724.232, 724.233, 724.234, 724.235, 724.236, 724.237, 724.238, 724.239, 724.240, 724.241, 724.242, 724.243, 724.244, 724.245, 724.246, 724.247, 724.248, 724.249, 724.250, 724.251, 724.252, 724.253, 724.254, 724.255, 724.256, 724.257, 724.258, 724.259, 724.260, 724.261, 724.262, 724.263, 724.264, 724.265, 724.266, 724.267, 724.268, 724.269, 724.270, 724.271, 724.272, 724.273, 724.274, 724.275, 724.276, 724.277, 724.278, 724.279, 724.280, 724.281, 724.282, 724.283, 724.284, 724.285, 724.286, 724.287, 724.288, 724.289, 724.290, 724.291, 724.292, 724.293, 724.294, 724.295, 724.296, 724.297, 724.298, 724.299, 724.300, 724.301, 724.302, 724.303, 724.304, 724.305, 724.306, 724.307, 724.308, 724.309, 724.310, 724.311, 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725.311, 725.312, 725.313, 725.314, 725.315, 725.316, 725.317, 725.318, 725.319, 725.320, 725.321, 725.322, 725.323, 725.324, 725.325, 725.326, 725.327, 725.328, 725.329, 725.330, 725.331, 725.332, 725.333, 725.334, 725.335, 725.336, 725.337, 725.338, 725.339, 725.340, 725.341, 725.342, 725.343, 725.344, 725.345, 725.346, 725.347, 725.348, 725.349, 725.350, 725.351, 725.352, 725.353, 725.354, 725.355, 725.356, 725.357, 7

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1\* c. To incorporate changes associated with underlying hazardous constituents in ignitable or corrosive wastes.

2 d. Other changes.

2. Changes to analytical quality assurance or quality control assurance-control plan:

1 a. To conform with agency guidance or regulations.

2 b. Other changes.

1 3. Changes in procedures for maintaining the operating record.

2 4. Changes in frequency or content of inspection schedules.

5. Changes in the training plan:

2 a. That affect the type or decrease the amount of training given to employees.

1 b. Other changes.

6. Contingency plan:

2 a. Changes in emergency procedures (i.e., spill or release response procedures).

1 b. Replacement with functionally equivalent equipment, upgrade or relocate emergency equipment listed.

2 c. Removal of equipment from emergency equipment list.

1 d. Changes in name, address, or phone number of coordinators or other persons or agencies identified in the plan.

Note: When a permit modification (such as introduction of a new unit) requires a change in facility plans or other general facility standards, that change must be reviewed under the same procedures as the permit modification.

7. CQA plan:

1 a. Changes that the CQA officer certifies in the operating record will provide equivalent or better certainty that the unit components meet the design specifications.

2 b. Other changes.

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## Section 703.APPENDIX A Classification of Permit Modifications

## Class Modifications

## A. General Permit Provisions

1 1. Administrative and informational changes.

1 2. Correction of typographical errors.

1 3. Equipment replacement or upgrading with functionally equivalent components (e.g., pipes, valves, pumps, conveyors, controls).

4. Changes in the frequency of or procedures for monitoring, reporting, sampling, or maintenance activities by the permittee:

1 a. To provide for more frequent monitoring, reporting, or maintenance.

2 b. Other changes.

5. Schedule of compliance:

1\* a. Changes in interim compliance dates, with prior approval of the Agency.

3 b. Extension of final compliance date.

1\* 6. Changes in expiration date of permit to allow earlier permit termination, with prior approval of the Agency.

1\* 7. Changes in ownership or operational control of a facility, provided the procedures of Section 703.260(b) are followed.

1\* 8. Changes to remove permit conditions that are no longer applicable (i.e., because the standards upon which they are based are no longer applicable to the facility).

## B. General Facility Standards

1. Changes to waste sampling or analysis methods:

1 a. To conform with Agency guidance or Board regulations.

1\* b. To incorporate changes associated with F039 (multi-source leachate) sampling or analysis methods.

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Note: When a permit modification (such as introduction of a new unit) requires a change in facility plans or other general facility standards, that change shall be reviewed under the same procedures as a permit modification.

## C. Groundwater Protection

1. Changes to wells:
  - a. Changes in the number, location, depth, or design of upgradient or downgradient wells of permitted groundwater monitoring system.
  - b. Replacement of an existing well that has been damaged or rendered inoperable, without change to location, design, or depth of the well.
- 1\* 2. Changes in groundwater sampling or analysis procedures or monitoring schedule, with prior approval of the Agency.
- 1\* 3. Changes in statistical procedure for determining whether a statistically significant change in groundwater quality between upgradient and downgradient wells has occurred, with prior approval of the Agency.
- 2\* 4. Changes in point of compliance.
5. Changes in indicator parameters, hazardous constituents, or concentration limits (including AGLs (Alternate Concentration Limits)):
- 3 a. As specified in the groundwater protection standard.
- 2 b. As specified in the detection monitoring program.
- 2 6. Changes to a detection monitoring program as required by 35 Ill. Adm. Code 724.198(j), unless otherwise specified in this Appendix.
7. Compliance monitoring program:
  - 3 a. Addition of compliance monitoring program as required by 35 Ill. Adm. Code 724.198(h)(4) and 724.199.
  - 2 b. Changes to a compliance monitoring program as required by 35 Ill. Adm. Code 724.199(k), unless otherwise specified in this Appendix.
  8. Corrective action program:
    - 3 a. Addition of a corrective action program as required by 35 Ill. Adm. Code 724.199(l)(2) and 724.200.

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- 2 b. Changes to a corrective action program as required by 35 Ill. Adm. Code 724.200(h), unless otherwise specified in this Appendix.

## D. Closure

1. Changes to the closure plan:
  - 1\* a. Changes in estimate of maximum extent of operations or maximum inventory of waste on-site at any time during the active life of the facility, with prior approval of the Agency.
  - 1\* b. Changes in the closure schedule for any unit, changes in the final closure schedule for the facility or extension of the closure period, with prior approval of the Agency.
  - 1\* c. Changes in the expected year of final closure, where other permit conditions are not changed, with prior approval of the Agency.
  - 1\* d. Changes in procedures for decontamination of facility equipment or structures, with prior approval of the Agency.
  - 2 e. Changes in approved closure plan resulting from unexpected events occurring during partial or final closure, unless otherwise specified in this Appendix.
  - 2 f. Extension of the closure period to allow a landfill, surface impoundment, or land treatment unit to receive non-hazardous wastes after final receipt of hazardous wastes under 35 Ill. Adm. Code 724.213(d) or (e).
- 3 2. Creation of a new landfill unit as part of closure.
3. Addition of the following new units to be used temporarily for closure activities:
  - 3 a. Surface impoundments.
  - 3 b. Incinerators.
  - 3 c. Waste piles that do not comply with 35 Ill. Adm. Code 724.350(c).
  - 2 d. Waste piles that comply with 35 Ill. Adm. Code 724.350(c).
  - 2 e. Tanks or containers (other than specified in paragraph D(3)(f) below).
  - 1\* f. Tanks used for neutralization, dewatering, phase separation or component separation, with prior approval of the Agency.

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## 2 g. Staging piles.

## E. Post-Closure

- 1 1. Changes in name, address, or phone number of contact in post-closure plan.
- 2 2. Extension of post-closure care period.
- 3 3. Reduction in the post-closure care period.
- 1 4. Changes to the expected year of final closure, where other permit conditions are not changed.
- 2 5. Changes in post-closure plan necessitated by events occurring during the active life of the facility, including partial and final closure.

## F. Containers

## 1. Modification or addition of container units:

- 3 a. Resulting in greater than 25 percent increase in the facility's container storage capacity, except as provided in F(1)(c) and F(4)(a).
- 2 b. Resulting in up to 25 percent increase in the facility's container storage capacity, except as provided in F(1)(c) and F(4)(a).
- 1 c. Modification or addition of container units of or treatment processes necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards or to treat wastes to satisfy (in whole or in part) the standard of use of practically available technology that yields the greatest environmental benefit contained in 40 CFR 268.8(f)(2)(i)-(v) incorporated by reference in 35 IAC 122.000-268.8(f)(2)(i)-(v) with prior approval of the Agency. This modification may also involve the addition of new waste codes or narrative description of wastes. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

## 2. Modification of container units without an increased capacity or alteration of the system:

- 2 a. Modification of a container unit without increasing the capacity of the unit.
- 1 b. Addition of a roof to a container unit without alteration of the containment system.

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- 3 3. Storage of different wastes in containers, except as provided in F(4):
  - a. That require additional or different management practices from those authorized in the permit.
  - b. That do not require additional or different management practices from those authorized in the permit.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

## 4. Storage or treatment of different wastes in containers:

- 2 a. That require addition of units or change in treatment process or management standards, provided that the wastes are restricted from land disposal and are to be treated to meet some or all of the applicable treatment standards or are to be treated to satisfy (in whole or in part) the standard of use of practically available technology that yields the greatest environmental benefit contained in 40 CFR 268.8(f)(2)(i)-(v) incorporated by reference in 35 IAC 122.000-268.8(f)(2)(i)-(v) with prior approval of the Agency. This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

- 1\* b. That do not require the addition of units or a change in the treatment process or management standards, and provided that the units have previously received wastes of the same type (e.g., incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

## G. Tanks

## 1.

- 3 a. Modification or addition of tank units resulting in greater than 25 percent increase in the facility's tank capacity, except as provided in paragraphs G(1)(c), G(1)(d) and G(1)(e).

- 2 b. Modification or addition of tank units resulting in up to 25 percent increase in the facility's tank capacity, except as provided in paragraphs G(1)(d) and G(1)(e).

- 2 c. Addition of a new tank that will operate for more than 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation, or component separation.



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- 1\* d. After prior approval of the Agency, addition of a new tank that will operate for up to 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation, or component separation.
- 1\* e. Modification or addition of tank units or treatment processes that are necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards or to treat wastes to satisfy (in whole or in part) the standard of use of practically available technology that yields the greatest environmental benefit contained in 40 CFR 268.61(a)(2)(ii) incorporated by reference in 35 IAC Admin Code 228.189, with prior approval of the Agency. This modification may also involve the addition of new waste codes. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).
- 2 2. Modification of a tank unit or secondary containment system without increasing the capacity of the unit.
- 1 3. Replacement of a tank with a tank that meets the same design standards and has a capacity within  $\pm 10$  percent of the replaced tank provided:
  - a. The capacity difference is no more than 1500 gallons,
  - b. The facility's permitted tank capacity is not increased, and
  - c. The replacement tank meets the same conditions in the permit.
- 2 4. Modification of a tank management practice.
5. Management of different wastes in tanks:
  - 3 a. That require additional or different management practices, tank design, different fire protection specifications or significantly different tank treatment process from that authorized in the permit, except as provided in paragraph G(5)(c).
  - 2 b. That do not require additional or different management practices or tank design, different fire protection specification, or significantly different tank treatment process than authorized in the permit, except as provided in paragraph G(5)(d).

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

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- 1\* c. That require addition of units or change in treatment processes or management standards, provided that the wastes are restricted from land disposal and are to be treated to meet some or all of the applicable treatment standards or that were to be treated to satisfy (in whole or in part) the standard of use of practically available technology that yields the greatest environmental benefit contained in 40 CFR 268.61(a)(2)(ii) incorporated by reference in 35 IAC Admin Code 228.189. The modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).
- 1 d. That do not require the addition of units or a change in the treatment process or management standards, and provided that the units have previously received wastes of the same type (e.g., incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).
- Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.
- H. Surface Impoundments
  - 3 1. Modification or addition of surface impoundment units that result in increasing the facility's surface impoundment storage or treatment capacity.
  - 3 2. Replacement of a surface impoundment unit.
  - 2 3. Modification of a surface impoundment unit without increasing the facility's surface impoundment storage or treatment capacity and without modifying the unit's liner, leak detection system, or leachate collection system.
  - 2 4. Modification of a surface impoundment management practice.
  5. Treatment, storage, or disposal of different wastes in surface impoundments:
    - 3 a. That require additional or different management practices or different design of the liner or leak detection system than authorized in the permit.
    - 2 b. That do not require additional or different management practices or different design of the liner or leak detection system than authorized in the permit.

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Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

- 1 c. That are wastes restricted from land disposal that meet the applicable treatment standards or that are treated to satisfy the standard of use of practically available technology that yields the greatest environmental benefit contained in 40 CFR 268.464(h)(2)(ii) incorporated by reference in 35 Ill. Adm. Code 724.350(c) and provided that the unit meets the minimum technological requirements stated in 40 CFR 268.51(h)(2) incorporated by reference in 35 Ill. Adm. Code 724.350(c). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

- 1 d. That are residues from wastewater treatment or incineration, provided the disposal occurs in a unit that meets the minimum technological requirements stated in 40 CFR 268.51(h)(2), incorporated by reference in 35 Ill. Adm. Code 728.105, and provided further that the surface impoundment has previously received wastes of the same type (for example, incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

- 1\* 6. Modifications of unconstructed units to comply with 35 Ill. Adm. Code 724.321(c), 724.322, 724.323, and 724.326(d).

## 7. Changes in response action plan:

- 3 a. Increase in action leakage rate.
- 3 b. Change in a specific response reducing its frequency or effectiveness.
- 2 c. Other changes.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

- I. Enclosed Waste Piles. For all waste piles, except those complying with 35 Ill. Adm. Code 724.350(c), modifications are treated the same as for a landfill. The following modifications are applicable only to waste piles complying with 35 Ill. Adm. Code 724.350(c).

## 1. Modification or addition of waste pile units:

- 3 a. Resulting in greater than 25% increase in the facility's waste pile storage or treatment capacity.

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- 2 b. Resulting in up to 25% increase in the facility's waste pile storage or treatment capacity.

- 2 2. Modification of waste pile unit without increasing the capacity of the unit.

- 1 3. Replacement of a waste pile unit with another waste pile unit of the same design and capacity and meeting all waste pile conditions in the permit.

- 2 4. Modification of a waste pile management practice.

5. Storage or treatment of different wastes in waste piles:

- 3 a. That require additional or different management practices or different design of the unit.

- 2 b. That do not require additional or different management practices or different design of the unit.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

- 2 6. Conversion of an enclosed waste pile to a containment building unit.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

- J. Landfills and Unenclosed Waste Piles

- 3 1. Modification or addition of landfill units that result in increasing the facility's disposal capacity.

- 3 2. Replacement of a landfill.

- 3 3. Addition or modification of a liner, leachate collection system, leachate detection system, runoff control, or final cover system.

- 2 4. Modification of a landfill unit without changing a liner, leachate collection system, leachate detection system, runoff control, or final cover system.

- 2 5. Modification of a landfill management practice.

6. Landfill different wastes:



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- 2 11. Changes in the unsaturated zone monitoring system that do not result in a change to the location, depth, or number of sampling points or which replace unsaturated zone monitoring devices or components of devices with devices or components having specifications different from permit requirements.
- 2 12. Changes in background values for hazardous constituents in soil and soil-pore liquid.
- 2 13. Changes in sampling, analysis, or statistical procedure.
- 2 14. Changes in land treatment demonstration program prior to or during the demonstration.

1\* 15. Changes in any condition specified in the permit for a land treatment unit to reflect results of the land treatment demonstration, provided performance standards are met, and the Agency's prior approval has been received.

1\* 16. Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the wastes can be treated completely, provided the conditions for the second demonstration are substantially the same as the conditions for the first demonstration and have received the prior approval of the Agency.

3 17. Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the wastes can be treated completely, where the conditions for the second demonstration are not substantially the same as the conditions for the first demonstration.

2 18. Changes in vegetative cover requirements for closure.

## L. Incinerators, Boilers and Industrial Furnaces

3 1. Changes to increase by more than 25 percent any of the following limits authorized in the permit: A thermal feed rate limit, a feedstream feed rate limit, a chlorine/chloride feed rate limit, a metal feed rate limit, or an ash feed rate limit. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.

2 2. Changes to increase by up to 25 percent any of the following limits authorized in the permit: A thermal feed rate limit, a feedstream feed rate limit, a chlorine/chloride feed rate limit, a metal feed rate limit, or an ash feed rate limit. The Agency shall require a new trial

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burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.

3 3. Modification of an incinerator, boiler, or industrial furnace unit by changing the internal size or geometry of the primary or secondary combustion units; by adding a primary or secondary combustion unit; by substantially changing the design of any component used to remove HCl/C1(2), metals, or particulate from the combustion gases; or by changing other features of the incinerator, boiler, or industrial furnace that could affect its capability to meet the regulatory performance standards. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards, unless this demonstration can be made through other means.

2 4. Modification of an incinerator, boiler, or industrial furnace unit in a manner that will not likely affect the capability of the unit to meet the regulatory performance standards but which will change the operating conditions or monitoring requirements specified in the permit. The Agency may require a new trial burn to demonstrate compliance with the regulatory performance standards.

## 5. Operating requirements:

3 a. Modification of the limits specified in the permit for minimum or maximum combustion gas temperature, minimum or maximum combustion gas residence time, oxygen concentration in the secondary combustion chamber, flue gas carbon monoxide or hydrocarbon concentration, maximum temperature at the inlet to the PM emission control system, or operating parameters for the air pollution control system. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.

3 b. Modification of any stack gas emission limits specified in the permit; or modification of any conditions in the permit concerning emergency shutdown or automatic waste feed cutoff procedures or controls.

2 c. Modification of any other operating condition or any inspection or recordkeeping requirement specified in the permit.

## 6. Burning different wastes:

3 a. If the waste contains a POMIC that is more difficult to burn than authorized by the permit or if burning of the waste requires compliance with different regulatory performance standards than specified in the permit, the Agency shall require a new trial burn to substantiate compliance with the regulatory performance

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standards, unless this demonstration can be made through other means.

- 2 b. If the waste does not contain a PORC that is more difficult to burn than authorized by the permit and if burning of the waste does not require compliance with different regulatory performance standards than specified in the permit.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

## 7. Shakedown and trial burn:

- 2 a. Modification of the trial burn plan or any of the permit conditions applicable during the shakedown period for determining operational readiness after construction, the trial burn period or the period immediately following the trial burn.

- 1\* b. Authorization of up to an additional 720 hours of waste burning during the shakedown period for determining operational readiness after construction, with the prior approval of the Agency.

- 1\* c. Changes in the operating requirements set in the permit for conducting a trial burn, provided the change is minor and has received the prior approval of the Agency.

- 1\* d. Changes in the ranges of the operating requirements set in the permit to reflect the results of the trial burn, provided the change is minor and has received the prior approval of the Agency.

- 1 8. Substitution of an alternative alternate type of non-hazardous waste fuel that is not specified in the permit.

- 1\* 9. Technology changes needed to meet standards under federal 40 CFR 63 (subpart EEE--National Emission Standards for Hazardous Air Pollutants From Hazardous Waste Combustors), provided the procedures of Section 703.280(j) are followed.

## M. Containment Buildings-

1. Modification or addition of containment building units:

- 3 a. Resulting in greater than 25 percent increase in the facility's containment building storage or treatment capacity.

- 2 b. Resulting in up to 25 percent increase in the facility's containment building storage or treatment capacity.

- 2 2. Modification of a containment building unit or secondary containment system without increasing the capacity of the unit.

3. Replacement of a containment building with a containment building that meets the same design standards provided:

- 1 a. The unit capacity is not increased.

- 1 b. The replacement containment building meets the same conditions in the permit.

- 2 4. Modification of a containment building management practice.

5. Storage or treatment of different wastes in containment buildings:

- 3 a. That require additional or different management practices.

- 2 b. That do not require additional or different management practices.

## N. Corrective Action:

- 3 1. Approval of a corrective action management unit pursuant to 35 Ill. Adm. Code 724.652.

- 2 2. Approval of a temporary unit or time extension pursuant to 35 Ill. Adm. Code 724.653.

- 2 3. Approval of a staging pile or staging pile operating term extension pursuant to 35 Ill. Adm. Code 724.654.

Note: \* indicates modification requiring prior Agency approval.

BOARD NOTE: Derived from 40 CFR 270.42, Appendix I (1999) (1998), as amended at 6463 Fed. Reg. 53077 (September 30, 1999) 65941--(Nov-30-1999).

(Source: Amended at 24 Ill. Reg. 9765 -- effective June 20, 2000)



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- 1) Heading of the Part: Standards Applicable To Generators Of Hazardous Waste
- 2) Code citation: 35 Ill. Adm. Code 722
- 3) Section Numbers: Proposed Action:  
722.134 Amend
- 4) Statutory authority: 415 ILCS 5/7.2, 22.4, and 27.
- 5) Effective date of amendments: June 20, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No. Although the existing text of Part 722 includes incorporations by reference, the present amendments do not affect those incorporations.
- 8) Statement of availability: The adopted amendments, a copy of the Board's opinion, and order adopted May 18, 2000, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.
- 9) Notice of proposal published in Illinois Register: March 24, 2000, 24 Ill. Reg. 4714

- 10) Has JCAR issued a Statement of Objections to these rules? No. Section 22.4(a) of the Environmental Protection Act (415 ILCS 5/22.4(a)) provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking was not subject to Section 5-35 of the APA, it was not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 11) Differences between proposal and final version: The following table summarizes the differences between the amendments proposed by the Board in an opinion and order dated March 2, 2000, in docket R00-13, and the amendments adopted on May 18, 2000. Many of the differences are explained in greater detail in the Board's opinion and order of May 18, 2000.

Section Revised	Source(s) of Revision(s)	Revision(s)
722. Source note	Board	Removed references to the "PCB" reporter (three times); provided full citation for adoption of

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722.134(a)	Board	R00-5 amendments	Added reference to the exceptions of subsections (g), (h), and (i) as a segment of the March 6, 2000 federal amendments
722.134(a)(4)	Board		Deleted "treatment, storage, and disposal facility" as unnecessary
722.134(g)	Board		Added as a segment of the March 6, 2000 federal amendments
722.134(h)	Board		Added as a segment of the March 6, 2000 federal amendments
722.134(i)	Board		Added as a segment of the March 6, 2000 federal amendments

- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 22.4(a) of the Environmental Protection Act (415 ILCS 5/22.4(a)) provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

- 13) Will these amendments replace emergency amendments currently in effect?  
No

- 14) Are there any other amendments pending on this Part? No

- 15) Summary and purpose of amendments: A more detailed description is contained in the Board's opinion and order of May 18, 2000, adopting amendments in docket R00-13, which opinion and order is available from the address below. As is explained in that opinion, the Board delayed filing the adopted amendments for 30 days from the date the Board voted to adopt them in order to allow the United States Environmental Protection Agency (USEPA) an opportunity to comment on the amendments before they became effective.

This proceeding updates the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the

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*Federal Register* during the update period of July 1, 1999, through December 31, 1999. Please refer to the corresponding segment of the questionnaire in the Notice of Adopted Amendments for 35 Ill. Adm. Code 720 that appears elsewhere in this issue of the *Illinois Register*. That Notice includes a detailed outline of the federal actions involved in the broader proceeding of which the amendments to Part 722 are a single segment.

Specifically, the amendments to Part 722 implement the March 8, 2000 federal extension of the allowable accumulation time for F006 waste and segments of the federal October 20, 1999 corrections to the Phase IV IDDRs. The amendments also make a number of non-substantive corrections requested by JCAR.

Section 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking was not subject to Section 5-35 of the APA, it was not subject to First Notice or to Second Notice review by JCAR.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge  
Attorney  
Illinois Pollution Control Board  
100 W. Randolph 11-500  
Chicago, IL 60601  
312-814-6924

Request copies of the Board's opinion and order of May 18, 2000, from Patricia Jones, at 312-814-3620. Alternatively, you may obtain a copy of the Board's opinion and order from the internet at <http://www.ipcb.state.il.us>.

The full text of the adopted amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE G: WASTE DISPOSAL  
CHAPTER 1: POLLUTION CONTROL BOARD  
SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

## PART 722

STANDARDS APPLICABLE TO  
GENERATORS OF HAZARDOUS WASTE

## SUBPART A: GENERAL

Section	Purpose, Scope and Applicability
722.110	Hazardous Waste Determination
722.111	USEPA Identification Numbers
722.112	

## SUBPART B: THE MANIFEST

Section	General Requirements
722.120	Acquisition of Manifests
722.121	Number of Copies
722.122	Use of the Manifest
722.123	

## SUBPART C: PRE-TRANSPORT REQUIREMENTS

Section	Packaging
722.130	Labeling
722.131	Marking
722.132	Placarding
722.133	Accumulation Time
722.134	

## SUBPART D: RECORDKEEPING AND REPORTING

Section	Recordkeeping
722.140	Annual Reporting
722.141	Exception Reporting
722.142	Additional Reporting
722.143	Special Requirements for Generators of between 100 and 1000 kilograms per month
722.144	

## SUBPART E: EXPORTS OF HAZARDOUS WASTE

Section	Applicability
722.150	Definitions
722.151	

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722.152 General Requirements  
 722.153 Notification of Intent to Export  
 722.154 Special Manifest Requirements  
 722.155 Exception Report  
 722.156 Annual Reports  
 722.157 Recordkeeping  
 722.158 International Agreements

## SUBPART F: IMPORTS OF HAZARDOUS WASTE

Section  
 722.160 Imports of Hazardous Waste

## SUBPART G: FARMERS

Section  
 722.170 Farmers

## SUBPART H: TRANSFRONTIER SHIPMENTS OF HAZARDOUS WASTE FOR RECOVERY WITHIN THE OECD

Section  
 722.180 Applicability  
 722.181 Definitions  
 722.182 General Conditions  
 722.183 Notification and Consent  
 722.184 Tracking Document  
 722.185 Contracts  
 722.186 Provisions Relating to Recognized Traders  
 722.187 Reporting and Recordkeeping  
 722.189 OECD Waste Lists

## APPENDIX A Hazardous Waste Manifest

AUTHORITY: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the Environmental Protection Act (415 ILCS 5/7.2, 22.4 and 27).

SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18 at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R84-9 at 9 Ill. Reg. 11950, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1131, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14112, effective August 12, 1986; amended in R86-46 at 11 Ill. Reg. 20709, effective December 2, 1986; amended in R87-5 at 11 Ill. Reg. 13555, effective August 4, 1987; amended in R87-39 at 12 Ill. Reg. 19393, effective November 12, 1987; amended in R88-16 at 13 Ill. Reg. 13129, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 452, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18523, effective November 13, 1989; amended in R90-10 at 14 Ill. Reg.

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16653, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9644, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14562, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9833, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17696, effective November 6, 1992; amended in R93-4 at 17 Ill. Reg. 20822, effective November 22, 1993; amended in R95-6 at 19 Ill. Reg. 9935, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11236, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 603, effective December 16, 1997; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17950, effective September 28, 1998; amended in R00-5 at 24 Ill. Reg. 1136, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9822, effective June 20, 2000.

## SUBPART C: PRE-TRANSPORT REQUIREMENTS

## Section 722.134 Accumulation Time

a) Except as provided in subsection (d), (e), or (f), (g), (h), or (i) of this Section, a generator is exempt from all the requirements in 35 Ill. Adm. Code 725-Subparts G and H, except for 35 Ill. Adm. Code 725-211 and 725-214, and may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided that the following conditions are fulfilled:

- 1) The waste is placed in or on one of the following:
  - A) In containers, and the generator complies with 35 Ill. Adm. Code 725-Subparts I, AA, BB, and CC;
  - B) In tanks, and the generator complies with 35 Ill. Adm. Code 725-Subparts J, AA, BB, and CC, except 35 Ill. Adm. Code 725-297(c) and 725-300;
  - C) On drip pads, and the generator complies with 35 Ill. Adm. Code 725-Subpart W and maintains the following records at the facility:
    - i) A description of the procedures that will be followed to ensure that all wastes are removed from the drip pad and associated collection system at least once every 90 days, and
    - ii) Documentation of each waste removal, including the quantity of waste removed from the drip pad and the pump or collection system and the date and time of removal; or

- D) In containment buildings, and the generator complies with 35 Ill. Adm. Code 725-Subpart DD (has placed its Professional Engineer (PE) certification that the building complies with the design standards specified in 35 Ill. Adm. Code 725.1101 in the facility's operating record prior to the date of initial operation of the unit). The owner or operator shall maintain the following records at the facility:
  - i) A written description of procedures to ensure that each waste volume remains in the unit for no more than

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90 days, a written description of the waste generation and management practices for the facility showing that they are consistent with respect to **respecting** the 90 day limit, and documentation that the procedures are complied with; or

- ii) Documentation that the unit is emptied at least once every 90 days;

**BOARD NOTE:** The "in addition" hanging subsection that appears in the Federal rules after 40 CFR 262.34(a)(1)(iv)(B) is in the introduction to subsection (a) of this Section.

- 2) The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;
- 3) While being accumulated on-site, each container and tank is labeled or marked clearly with the words "Hazardous Waste"; and
- 4) The generator complies with the requirements for **treatment, storage, and disposal** facility owners or operators in 35 Ill. Adm. Code 725.Subpart C and D and with 35 Ill. Adm. Code 725.116 and 728.107(a)(15) **728.107(e)(4)**.

- b) A generator that accumulates hazardous waste for more than 90 days is an operator of a storage facility and is subject to the requirements of 35 Ill. Adm. Code 724 and 725 and the permit requirements of 35 Ill. Adm. Code 702, 703 and 705 unless the generator has been granted an extension of the 90-day period. If hazardous wastes must remain on-site for longer than 90 days due to unforeseen, temporary, and uncontrollable circumstances, the generator may seek an extension of up to 30 days by means of a variance or provisional variance, pursuant to Section 37 of the Environmental Protection Act and 35 Ill. Adm. Code 180 (Agency procedural regulations).

- c) Accumulation near the point of generation.

- 1) A generator may accumulate as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste listed in 35 Ill. Adm. Code 721.133(e) in containers at or near any point of generation where wastes initially accumulate that is under the control of the operator of the process generating the waste without a permit or interim status and without complying with subsection (a) of this Section, provided the generator does the following:

- A) Complies with 35 Ill. Adm. Code 725.271, 725.272, and 725.273(a); and
- B) Marks the generator's containers either with the words "Hazardous Waste" or with other words that identify the contents of the containers.

- 2) A generator that accumulates either hazardous waste or acutely hazardous waste listed in 35 Ill. Adm. Code 721.133(e) in excess of the amounts listed in subsection (c)(1) of this Section at or near any point of generation must, with respect to that amount of excess waste, comply within three days with subsection (a) of this Section or other applicable provisions of this Chapter.

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During the three day period the generator must continue to comply with subsection (c)(1) of this Section. The generator must mark the container holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.

- d) A generator that generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month may accumulate hazardous waste on-site for 180 days or less without a permit or without having interim status provided that the following conditions are fulfilled:

- 1) The quantity of waste accumulated on-site never exceeds 6000 kilograms;
- 2) The generator complies with the requirements of 35 Ill. Adm. Code 725.Subpart I (except 35 Ill. Adm. Code 725.276 and 725.278);
- 3) The generator complies with the requirements of 35 Ill. Adm. Code 725.301;
- 4) The generator complies with the requirements of subsections (a)(2) and (a)(3) of this Section, 35 Ill. Adm. Code 725.Subpart C, and 35 Ill. Adm. Code 728.107(a)(5); and
- 5) The generator complies with the following requirements:

- A) At all times there must be at least one employee either on the premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures specified in subsection (d)(5)(D) of this Section. The employee is the emergency coordinator.

- B) The generator shall post the following information next to the telephone:

- i) The name and telephone number of the emergency coordinator;

- ii) Location of fire extinguishers and spill control material and, if present, fire alarm; and

- iii) The telephone number of the fire department, unless the facility has a direct alarm.

- C) The generator shall ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies.

- D) The emergency coordinator or designee shall respond to any emergencies that arise. The applicable responses are as follows:

- i) In the event of a fire, call the fire department or attempt to extinguish it using a fire extinguisher;
- ii) In the event of a spill, contain the flow of hazardous waste to the extent possible and, as soon as is practicable, clean up the hazardous waste and any contaminated materials or soil; and
- iii) In the event of a fire, explosion, or other release that could threaten human health outside the facility,

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or when the generator has knowledge that a spill has reached surface water, the generator shall immediately notify the National Response Center (using its 24-hour toll free number 800-424-8802). The report must include the following information: the name, address, and USEPA identification number (Section 722.112 of this Part) of the generator; the date, time, and type of incident (e.g., spill or fire); the quantity and type of hazardous waste involved in the incident; the extent of injuries, if any; and the estimated quantity and disposition of recoverable materials, if any.

e) A generator that generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month and that must transport the waste or offer the waste for transportation over a distance of 200 miles or more for off-site treatment, storage, or disposal may accumulate hazardous waste on-site for 270 days or less without a permit or without having interim status, provided that the generator complies with the requirements of subsection (d) of this Section.

f) A generator that generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month and that accumulates hazardous waste in quantities exceeding 6000 kg or accumulates hazardous waste for more than 180 days (or for more than 270 days if the generator must transport the waste or offer the waste for transportation over a distance of 200 miles or more) is an operator of a storage facility and is subject to the requirements of 35 Ill. Adm. Code 724 and 725 and the permit requirements of 35 Ill. Adm. Code 703, unless the generator has been granted an extension to the 180-day (or 270-day if applicable) period. If hazardous wastes must remain on-site for longer than 180 days (or 270 days if applicable) due to unforeseen, temporary, and uncontrollable circumstances, the generator may seek an extension of up to 30 days by means of variance or Provisional variance pursuant to Section 37 of the Environmental Protection Act.

g) A generator that generates 1,000 kilograms or greater of hazardous waste per calendar month which also generates wastewater treatment sludges from electroprecipitation operations that meet the listing description for the RCRA hazardous waste code F006, may accumulate F006 waste on-site for more than 90 days, but not more than 180 days, without a permit or without having interim status provided that the generator fulfills the following conditions:

- i) The generator has implemented pollution prevention practices that reduce the amount of any hazardous substances, pollutants, or contaminants entering F006 or otherwise released to the environment prior to its recycling
- 2) The F006 waste is legitimately recycled through metals recovery;
- 3) No more than 20,000 kilograms of F006 waste is accumulated on-site at any one time; and

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4) The F006 waste is managed in accordance with the following conditions:

A) The F006 waste is placed in one of the following containing devices:

- i) In containers and the generator complies with the applicable requirements of 35 Ill. Adm. Code 725-Subparts I, AA, BB, and CC;
- ii) In tanks and the generator complies with the applicable requirements of 35 Ill. Adm. Code 725-Subparts J, AA, BB, and CC, except 35 Ill. Adm. Code 725.237(c) and 725.300; or

iii) In containment buildings, and the generator complies with 35 Ill. Adm. Code 725-Subpart DD and has placed its professional engineer certification that the building complies with the design standards specified in 35 Ill. Adm. Code 725.1107 in the facility's operating record prior to operation of the unit. The owner or operator shall maintain the records listed in subsection (g)(4)(F) of this Section at the facility.

B) In addition, such a generator is exempt from all the requirements in 35 Ill. Adm. Code 725-Subparts G and H, except for 35 Ill. Adm. Code 725.211 and 725.214.

C) The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container while being accumulated on-site, each container and tank is labeled or marked clearly with the words, "Hazardous Waste," and

E) The generator complies with the requirements for owners or operators in 35 Ill. Adm. Code 725-Subparts C and D, with 35 Ill. Adm. Code 725.116, and with 35 Ill. Adm. Code 728.107(a)(5).

F) Required records for a containment building:

- i) A written description of procedures to ensure that the F006 waste remains in the unit for no more than 180 days, a written description of the waste generation and management practices for the facility showing that they are consistent with the 180-day limit, and documentation that the generator is complying with the procedures; or
- ii) Documentation that the unit is emptied at least once every 180 days.

BOARD NOTE: The Board has codified 40 CFR 262.34(g)(4)(A)(iii)(1) and (g)(4)(A)(iii)(2) as subsections (g)(4)(F)(i) and (g)(4)(F)(ii) because Illinois Administrative Code codification requirements do not allow the use of a fifth level of subsection indent.

h) A generator that generates 1,000 kilograms or greater of hazardous waste per calendar month which also generates wastewater treatment



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sludges from electroplating operations that meet the listing description for the RCRA hazardous waste code F006 and which must transport this waste or offer this waste for transportation over a distance of 200 miles or more for off-site metals recovery may accumulate F006 waste on-site for more than 90 days, but not more than 270 days, without a permit or without having interim status if the generator complies with the requirements of paragraphs (g)(1) through (g)(4) of this Section.

3) A generator accumulating F006 in accordance with paragraphs (g) and (h) of this Section that accumulates F006 waste on-site for more than 180 days (or for more than 270 days if the generator must transport this waste or offer this waste for transportation over a distance of 200 miles or more), or which accumulates more than 20,000 kilograms of F006 waste on-site is an operator of a storage facility, and such a generator is subject to the requirements of 35 Ill. Adm. Code 724 and 725 and the permit requirements of 35 Ill. Adm. Code 702 and 703, unless the generator has been granted an extension to the 180-day (or 270-day, if applicable) period or an exception to the 20,000 kilogram accumulation limit.

1) On a case-by-case basis, the Board will grant a provisional variance that allows an extension of the accumulation time up to an additional 30 days pursuant to Section 37 of the Act on notification that the Agency has found that the F006 waste must remain on-site for longer than 180 days (or 270 days if applicable) due to unforeseen, temporary, and uncontrollable circumstances.

2) On a case-by-case basis, the Board will grant a provisional variance that allows an exception to the 20,000 kilogram accumulation limit on notification that the Agency has found that more than 20,000 kilograms of F006 waste must remain on-site due to unforeseen, temporary, and uncontrollable circumstances.

3) A generator shall follow the procedure of 35 Ill. Adm. Code 180 (Agency procedural rules) when seeking a provisional variance under subsection (i)(1) or (i)(2) of this Section.

(Source: Amended at 24 Ill. Reg. 9822, effective June 20, 2000)

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1) Heading of the Part: Standards For Owners And Operators Of Hazardous Waste Treatment, Storage, And Disposal Facilities

2) Code citation: 35 Ill. Adm. Code 724

3) Section Numbers: Proposed Action:

724.101 Amend

724.440 Amend

724.701 Amend

724.983 Amend

4) Statutory authority: 415 ILCS 5/7.2, 22.4, and 27.

5) Effective date of amendments: June 20, 2000

6) Does this rulemaking contain an automatic repeal date?: No

7) Do these amendments contain incorporations by reference? Yes. The existing text of Part 724 includes incorporations by reference. 35 Ill. Adm. Code 720.111 is the central listing of documents incorporated by reference for the purposes of the Illinois hazardous waste and underground injection control regulations. The present amendments include, at Sections 724.440(b)(1) and 724.701, the addition of 40 CFR 63, Subpart EEE, incorporated by reference in 35 Ill. Adm. Code 720.111.

8) Statement of availability: The adopted amendments, a copy of the Board's opinion and order adopted May 18, 2000, and all materials incorporated by reference are on file at the Board's principal office and is available for public inspection and copying.

9) Notice of proposal published in Illinois Register: March 24, 2000, 24 Ill. Reg. 4724

10) Has JCARR issued a Statement of Objections to these amendments? No. Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking was not subject to Section 5-35 of the APA, it was not subject to first notice or to Second Notice review by the Joint Committee on Administrative Rules (JCARR).

11) Differences between proposal and final version: The following table summarizes the differences between the amendments proposed by the Board in an opinion and order dated March 2, 2000, in docket R00-13, and the amendments adopted on May 18, 2000. Many of the differences are explained in greater detail in the Board's opinion and order of May 18, 2000.

Section Revised Source(s) of Revision(s)

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

724. Source note  
Revision(s)  
Board  
Removed a reference to the PCB reporter; provided full citation for adoption of R00-5 amendments
- 724.440(b)(1)  
JCAR  
Capitalized the word "Part"
- 724.440(b) Board note  
IEPA  
Added the explanatory quotation from the *Federal Register*
- 724.440(c)  
JCAR  
Capitalized the word "Analysis" in the cited Section title
- 724.440(c)(1)(C)  
JCAR  
Removed underlining from the words "as determined by the"
- 724.440(d)  
JCAR  
Corrected cross-reference to "subsection (b)(1)(A), (b)(1)(B), (b)(1)(C), or (b)(1)(D) of this Section"; capitalized the word "Analysis" in the cited Section title
- 724.440(e)  
JCAR, Board  
Changed to lower case and hyphenated the words "short-term" in the parenthetical information on the cited Sections, since this is not a Section title
- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.
- 13) Will these amendments replace emergency amendments currently in effect?  
No
- 14) Are there any other amendments pending on this Part? No

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and purpose of amendments: A more detailed description is contained in the Board's opinion and order of May 18, 2000, adopting amendments in docket R00-13, which opinion and order is available from the address below. As is explained in that opinion, the Board delayed filing the adopted amendments for 30 days from the date the Board voted to adopt them in order to allow the United States Environmental Protection Agency (USEPA) an opportunity to comment on the amendments before they became effective.
- This proceeding updates the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the *Federal Register* during the update period of July 1, 1999, through December 31, 1999. Please refer to the corresponding segment of the questionnaire in the Notice of Adopted Amendments for 35 Ill. Adm. Code 720 that appears elsewhere in this issue of the *Illinois Register*. That Notice includes a detailed outline of the federal actions involved in the broader proceeding of which the amendments to Part 724 are a single segment.
- Specifically, the amendments to Part 724 implement segments of the federal July 6, 1999 designation of lamps as universal waste and the September 30, 1999 hazardous waste combustor rule. The amendments also make a number of non-substantive corrections requested by JCAR.
- Section 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking was not subject to Section 5-35 of the APA, it was not subject to First Notice or to Second Notice review by JCAR.
- 16) Information and questions regarding these adopted amendments shall be directed to: Michael J. McCambridge  
Attorney  
Illinois Pollution Control Board  
100 W. Randolph 11-500  
Chicago, IL 60601  
312-814-6924
- Request copies of the Board's opinion and order of May 18, 2000, from Patricia Jones, at 312-814-3620. Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at <http://www.ipcb.state.il.us>.

The full text of the adopted amendments begins on the next page:

POLLUTION CONTROL BOARD  
NOTICE OF ADOPTED AMENDMENTS  
TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE G: WASTE DISPOSAL  
CHAPTER 1: POLLUTION CONTROL BOARD  
SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 724  
STANDARDS FOR OWNERS AND OPERATORS OF  
HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

SUBPART A: GENERAL PROVISIONS

Section  
724.101 Purpose, Scope, and Applicability  
724.103 Relationship to Interim Status Standards

SUBPART B: GENERAL FACILITY STANDARDS

Section  
724.110 Applicability  
724.111 Identification Number  
724.112 Required Notices  
724.113 General Waste Analysis  
724.114 Security  
724.115 General Inspection Requirements  
724.116 Personnel Training  
724.117 General Requirements for Ignitable, Reactive or Incompatible Wastes  
724.118 Location Standards  
724.119 Construction Quality Assurance Program

SUBPART C: PREPAREDNESS AND PREVENTION

Section  
724.130 Applicability  
724.131 Design and Operation of Facility  
724.132 Required Equipment  
724.133 Testing and Maintenance of Equipment  
724.134 Access to Communications or Alarm System  
724.135 Required Aisle Space  
724.137 Arrangements with Local Authorities

SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

Section  
724.150 Applicability  
724.151 Purpose and Implementation of Contingency Plan  
724.152 Content of Contingency Plan  
724.153 Copies of Contingency Plan  
724.154 Amendment of Contingency Plan

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724.155 Emergency Coordinator  
724.156 Emergency Procedures  
SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

Section  
724.170 Applicability  
724.171 Use of Manifest System  
724.172 Manifest Discrepancies  
724.173 Operating Record  
724.174 Availability, Retention and Disposition of Records  
724.175 Annual Report  
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724.177 Additional Reports

SUBPART F: RELEASES FROM SOLID WASTE MANAGEMENT UNITS

Section  
724.190 Applicability  
724.191 Required Programs  
724.192 Groundwater Protection Standard  
724.193 Hazardous Constituents  
724.194 Concentration Limits  
724.195 Point of Compliance  
724.196 Compliance Period  
724.197 General Groundwater Monitoring Requirements  
724.198 Detection Monitoring Program  
724.199 Compliance Monitoring Program  
724.200 Corrective Action Program  
724.201 Corrective Action for Solid Waste Management Units

SUBPART G: CLOSURE AND POST-CLOSURE CARE

Section  
724.210 Applicability  
724.211 Closure Performance Standard  
724.212 Closure Plan; Amendment of Plan  
724.213 Closure; Time Allowed For Closure  
724.214 Disposal or Decontamination of Equipment, Structures and Soils  
724.215 Certification of Closure  
724.216 Survey Plat  
724.217 Post-closure Care and Use of Property  
724.218 Post-Closure Care Plan; Amendment of Plan  
724.219 Post-closure Notices  
724.220 Certification of Completion of Post-closure Care

SUBPART H: FINANCIAL REQUIREMENTS

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

Section	Applicability
724.240	Definitions of Terms As Used In This Subpart
724.241	Cost Estimate for Closure
724.242	Financial Assurance for Closure
724.243	Cost Estimate for Post-closure Care
724.244	Financial Assurance for Post-closure Care
724.245	Use of a Mechanism for Financial Assurance of Both Closure and Post-closure Care
724.246	Post-closure Care
724.247	Liability Requirements
724.248	Incapacity of Owners or Operators, Guarantors or Financial Institutions
724.251	Wording of the Instruments

## SUBPART I: USE AND MANAGEMENT OF CONTAINERS

Section	Applicability
724.270	Condition of Containers
724.271	Compatibility of Waste With Container
724.272	Management of Containers
724.273	Inspections
724.274	Containment
724.275	Special Requirements for Ignitable or Reactive Waste
724.276	Special Requirements for Incompatible Wastes
724.277	Closure
724.278	Air Emission Standards
724.279	

## SUBPART J: TANK SYSTEMS

Section	Applicability
724.290	Assessment of Existing Tank System's Integrity
724.291	Design and Installation of New Tank Systems or Components
724.292	Containment and Detection of Releases
724.293	General Operating Requirements
724.294	Inspections
724.295	Response to Leaks or Spills and Disposition of Leaking or unfit-for-use Tank Systems
724.296	Closure and Post-closure Care
724.297	Special Requirements for Ignitable or Reactive Waste
724.298	Special Requirements for Incompatible Wastes
724.299	Air Emission Standards
724.300	

## SUBPART K: SURFACE IMPOUNDMENTS

Section	Applicability
724.320	

## POLLUTION CONTROL BOARD

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724.321	Design and Operating Requirements
724.322	Action Leakage Rate
724.323	Response Actions
724.326	Monitoring and Inspection
724.327	Emergency Repairs; Contingency Plans
724.328	Closure and Post-closure Care
724.329	Special Requirements for Ignitable or Reactive Waste
724.330	Special Requirements for Incompatible Wastes
724.331	Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027
724.332	Air Emission Standards

## SUBPART L: WASTE FILES

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724.350	Design and Operating Requirements
724.351	Action Leakage Rate
724.352	Response Action Plan
724.353	Monitoring and Inspection
724.354	Special Requirements for Ignitable or Reactive Waste
724.356	Special Requirements for Incompatible Wastes
724.357	Closure and Post-closure Care
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## SUBPART M: LAND TREATMENT

Section	Applicability
724.370	Treatment Program
724.371	Treatment Demonstration
724.372	Design and Operating Requirements
724.373	Food-chain Crops
724.376	Unsaturated Zone Monitoring
724.378	Recordkeeping
724.379	Closure and Post-closure Care
724.380	Special Requirements for Ignitable or Reactive Waste
724.381	Special Requirements for Incompatible Wastes
724.382	Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027
724.383	

## SUBPART N: LANDFILLS

Section	Applicability
724.400	Design and Operating Requirements
724.401	Action Leakage Rate
724.402	

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724.403 Monitoring and Inspection  
724.404 Response Actions  
724.409 Surveying and Recordkeeping  
724.410 Closure and Post-closure Care  
724.412 Special Requirements for Ignitable or Reactive Waste  
724.413 Special Requirements for Incompatible Wastes  
724.414 Special Requirements for Bulk and Containerized Liquids  
724.415 Special Requirements for Containers  
724.416 Disposal of Small Containers of Hazardous Waste in Overpacked Drums (Iab Packs)  
724.417 Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027

SUBPART O: INCINERATORS

Section  
724.440 Applicability  
724.441 Waste Analysis  
724.442 Principal Organic Hazardous Constituents (POHCs)  
724.443 Performance Standards  
724.444 Hazardous Waste Incinerator Permits  
724.445 Operating Requirements  
724.447 Monitoring and Inspections  
724.451 Closure

SUBPART S: CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS

Section  
724.652 Corrective Action Management Units  
724.653 Temporary Units  
724.654 Staging Piles

SUBPART W: DRIP PADS

Section  
724.670 Applicability  
724.671 Assessment of existing drip pad integrity  
724.672 Design and installation of new drip pads  
724.673 Design and operating requirements  
724.674 Inspections  
724.675 Closure

SUBPART X: MISCELLANEOUS UNITS

Section  
724.700 Applicability  
724.701 Environmental Performance Standards  
724.702 Monitoring, Analysis, Inspection, Response, Reporting and Corrective

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Action  
724.703 Post-closure Care

SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

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724.930 Applicability  
724.931 Definitions  
724.932 Standards: Process Vents  
724.933 Standards: Closed-Vent Systems and Control Devices  
724.934 Test Methods and Procedures  
724.935 Recordkeeping requirements  
724.936 Reporting Requirements

SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

Section  
724.950 Applicability  
724.951 Definitions  
724.952 Standards: Pumps in Light Liquid Service  
724.953 Standards: Compressors  
724.954 Standards: Pressure Relief Devices in Gas/Vapor Service  
724.955 Standards: Sampling Connecting Systems  
724.956 Standards: Open-ended Valves or Lines  
724.957 Standards: Valves in Gas/Vapor or Light Liquid Service  
724.958 Standards: Pumps, Valves, Pressure Relief Devices and Other Connectors  
724.959 Standards: Delay of Repair  
724.960 Standards: Closed-vent Systems and Control Devices  
724.961 Alternative Percentage Standard for Valves  
724.962 Skip Period Alternative for Valves  
724.963 Test Methods and Procedures  
724.964 Recordkeeping Requirements  
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SUBPART CC: AIR EMISSION STANDARDS FOR TANKS, SURFACE IMPOUNDMENTS, AND CONTAINERS

Section  
724.980 Applicability  
724.981 Definitions  
724.982 Standards: General  
724.983 Waste Determination Procedures  
724.984 Standards: Tanks  
724.985 Standards: Surface Impoundments  
724.986 Standards: Containers  
724.987 Standards: Closed-vent Systems and Control Devices  
724.988 Inspection and Monitoring Requirements  
724.989 Recordkeeping Requirements



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- 724.990 Reporting Requirements  
724.991 Alternative Control Requirements for Tanks

## SUBPART DD: CONTAINMENT BUILDINGS

- Section  
724.1100 Applicability  
724.1101 Design and operating standards  
724.1102 Closure and Post-closure Care

- APPENDIX A Recordkeeping Instructions  
APPENDIX B EPA Report Form and Instructions (Repealed)  
APPENDIX C Contran's Approximation to the Behrens-Fisher Student's T-Test  
APPENDIX D Examples of Potentially Incompatible Waste  
APPENDIX E Groundwater Monitoring List

AUTHORITY: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4 and 27].

SOURCE: Adopted in R82-19 at 7 Ill. Reg. 14059, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11964, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1136, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14119, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6138, effective March 24, 1987; amended in R86-28 at 11 Ill. Reg. 8684, effective April 21, 1987; amended in R86-46 at 11 Ill. Reg. 13577, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19397, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13135, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 458, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18527, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14511, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16658, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9654, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14572, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9833, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17702, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5806, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20930, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6973, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12487, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17601, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9951, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11244, effective August 16, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 636, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7638, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17972, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 2186, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9437, effective July 26, 1999; amended in R00-5 at 24 Ill. Reg. 1146, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9833, effective June 20, 2000.

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NOTE: In this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

## SUBPART A: GENERAL PROVISIONS

## Section 724.101 Purpose, Scope, and Applicability

- a) The purpose of this Part is to establish minimum standards that define the acceptable management of hazardous waste.
- b) The standards in this Part apply to owners and operators of all facilities that treat, store, or dispose of hazardous waste, except as specifically provided otherwise in this Part or 35 Ill. Adm. Code 721.
- c) The requirements of this Part apply to a person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the Marine Protection, Research, and Sanctuaries Act (16 USC 1601-1651; 43 USC 1401) only to the extent they are included in a RCRA permit by rule granted to such a person under 35 Ill. Adm. Code 703.141. A "RCRA permit" is a permit required by Section 21(f) of the Environmental Protection Act and 35 Ill. Adm. Code 703.121.
- d) The requirements of this Part apply to a person disposing of hazardous waste by means of underground injection subject to a permit issued by the Agency pursuant to Section 12(g) of the Environmental Protection Act only to the extent they are required by 35 Ill. Adm. Code 704-Subpart F.
- e) BOARD NOTE: This Part does apply to the above-ground treatment or storage of hazardous waste before it is injected underground. The requirements of this Part apply to the owner or operator of a POTW (publicly owned treatment works) that treats, stores, or disposes of hazardous waste only to the extent included in a RCRA permit by rule granted to such a person under 35 Ill. Adm. Code 703.141.
- f) This subsection corresponds with 40 CFR 264.1(f), which provides that the federal regulations do not apply to T/S/D activities in authorized states, except under limited, enumerated circumstances. This statement maintains structural consistency with USEPA rules.
- g) 1) The requirements of this Part do not apply to:
  - l) The owner or operator of a facility permitted by the Agency under Section 21 of the Environmental Protection Act to manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores, or disposes of is excluded from regulation under this Part by 35 Ill. Adm. Code 721.105.

BOARD NOTE: The owner or operator may be subject to 35 Ill. Adm. Code 807 and may have to have a supplemental permit under 35 Ill. Adm. Code 807.210.

- 2) The owner or operator of a facility managing recyclable materials

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described in 35 Ill. Adm. Code 721.106(a)(2) through (a)(4) (except to the extent that requirements of this Part are referred to in 35 Ill. Adm. Code 726 Subparts C, F, G, or H or 35 Ill. Adm. Code 739).

- 3) A generator accumulating waste on-site in compliance with 35 Ill. Adm. Code 722.134.
- 4) A farmer disposing of waste pesticides from the farmer's own use in compliance with 35 Ill. Adm. Code 722.1170.
- 5) The owner or operator of a totally enclosed treatment facility, as defined in 35 Ill. Adm. Code 720.110.

6) The owner or operator of an elementary neutralization unit or a wastewater treatment unit, as defined in 35 Ill. Adm. Code 720.110, provided that if the owner or operator is diluting hazardous ignitable (D001) wastes (other than the D001 High VOC Subcategory defined in 35 Ill. Adm. Code 728-Table 7) or reactive (D003) waste to remove the characteristic before land disposal, the owner or operator must comply with the requirements set out in Section 724.117(b).

- 7) This subsection corresponds with 40 CFR 264.1(g)(7), reserved by USEPA. This statement maintains structural consistency with USEPA rules.

#### 8) Immediate response:

A) Except as provided in subsection (g)(8)(B) of this Section, a person engaged in treatment or containment activities during immediate response to any of the following situations:

- i) A discharge of a hazardous waste;
- ii) An imminent and substantial threat of a discharge of hazardous waste;
- iii) A discharge of a material that becomes a hazardous waste when discharged; or
- iv) An immediate threat to human health, public safety, property, or the environment from the known or suspected presence of military munitions, other explosive material, or an explosive device, as determined by an explosives or munitions emergency response specialist as defined in 35 Ill. Adm. Code 720.110.

B) An owner or operator of a facility otherwise regulated by this Part must comply with all applicable requirements of Subparts C and D of this Part.

C) Any person that is covered by subsection (g)(8)(A) of this Section and that continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this Part and 35 Ill. Adm. Code 702, 703, and 705 for those activities.

D) In the case of an explosives or munitions emergency

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response, if a federal, State, or local official acting within the scope of his or her official responsibilities or an explosives or munitions emergency response specialist determines that immediate removal of the material or waste is necessary to protect human health or the environment, that official or specialist may authorize the removal of the material or waste by transporters that do not have USEPA identification numbers and without the preparation of a manifest. In the case of emergencies involving military munitions, the responding military emergency response specialist's organizational unit shall retain records for three years identifying the dates of the response, the responsible persons responding, the type and description of material addressed, and its disposition.

9) A transporter storing manifested shipments of hazardous waste in containers meeting the requirements of 35 Ill. Adm. Code 722.130 at a transfer facility for a period of ten days or less.

10) The addition of absorbent materials to waste in a container (as defined in 35 Ill. Adm. Code 720) or the addition of waste to absorbent material in a container, provided these actions occur at the time waste is first placed in the container, and Sections 724.117(b), 724.271, and 724.272 are complied with.

11) A universal waste handler or universal waste transporter (as defined in 35 Ill. Adm. Code 720.110) that handles any of the wastes listed below is subject to regulation under 35 Ill. Adm. Code 733 when handling the following universal wastes:

- A) Batteries, as described in 35 Ill. Adm. Code 733.102;
- B) Pesticides, as described in 35 Ill. Adm. Code 733.103;
- C) Thermoblasts, as described in 35 Ill. Adm. Code 733.104; and
- D) Lamps Mercury-containing lamps, as described in 35 Ill. Adm. Code 733.105/93-109.

~~BOBBO-NOTES--Subsection (g)(11)(B) of this Section was added pursuant to Section 22-226 of the Act--(45--165--522/2947 (see FR-96-362-effective August-19-1997).~~

h) This Part applies to owners and operators of facilities that treat, store, or dispose of hazardous wastes referred to in 35 Ill. Adm. Code 728.

i) 35 Ill. Adm. Code 726.505 identifies when the requirements of this Part apply to the storage of military munitions classified as solid waste under 35 Ill. Adm. Code 726.302. The treatment and disposal of hazardous waste military munitions are subject to the applicable permitting, procedural, and technical standards in 35 Ill. Adm. Code 702, 703, 705, 720 through 726, and 728.

j) The requirements of Subparts B, C, and D of this Part and Section 724.201 do not apply to remediation waste management sites. (However, some remediation waste management sites may be a part of a facility that is subject to a traditional RCRA permit because the facility is also treating, storing, or disposing of hazardous wastes that are not

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remediation wastes. In these cases, Subparts B, C, and D of this Part, and Section 724.201 do apply to the facility subject to the traditional RCRA permit.) Instead of the requirements of Subparts B, C, and D of this Part, owners or operators of remediation waste management sites shall comply with the following requirements:

- 1) The owner or operator shall obtain an EPA identification number by applying to USEPA using USEPA Form 8700-12;
- 2) The owner or operator shall obtain a detailed chemical and physical analysis of a representative sample of the hazardous remediation wastes to be managed at the site. At a minimum, the analysis must contain all of the information that must be known to treat, store, or dispose of the waste according to this Part and 35 Ill. Adm. Code 728, and the owner or operator shall keep the analysis accurate and up to date;
- 3) The owner or operator shall prevent people who are unaware of the danger from entering the site, and the owner or operator shall minimize the possibility for unauthorized people or livestock entering onto the active portion of the remediation waste management site, unless the owner or operator can demonstrate the following to the Agency:
  - A) Physical contact with the waste, structures, or equipment within the active portion of the remediation waste management site will not injure people or livestock that who may enter the active portion of the remediation waste management site; and
  - B) Disturbance of the waste or equipment by people or livestock that who enter onto the active portion of the remediation waste management site will not cause a violation of the requirements of this Part;
- 4) The owner or operator shall inspect the remediation waste management site for malfunctions, deterioration, operator errors, and discharges that may be causing or may lead to a release of hazardous waste constituents to the environment or a threat to human health. The owner or operator shall conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment, and the owner or operator shall remedy the problem before it leads to a human health or environmental hazard. Where a hazard is imminent or has already occurred, the owner or operator shall immediately take remedial action;
- 5) The owner or operator shall provide personnel with classroom or on-the-job training on how to perform their duties in a way that ensures the remediation waste management site complies with the requirements of this Part, and on how to respond effectively to emergencies;
- 6) The owner or operator shall take precautions to prevent accidental ignition or reaction of ignitable or reactive waste, and the owner or operator shall prevent threats to human health

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- and the environment from ignitable, reactive, and incompatible waste;
- 7) For remediation waste management sites subject to regulation under Subparts I through O and Subpart X of this Part, the owner or operator shall design, construct, operate, and maintain a unit within a 100-year floodplain to prevent washout of any hazardous waste by a 100-year flood, unless the owner or operator can meet the requirements of Section 724.118(b);
  - 8) The owner or operator shall not place any non-containerized or bulk liquid hazardous waste in any salt dome formation, salt bed formation, underground mine, or cave;
  - 9) The owner or operator shall develop and maintain a construction quality assurance program for all surface impoundments, waste piles, and landfills units that are required to comply with Sections 724.321(c) and (d), 724.351(c) and (d), and 724.401(c) and (d) at the remediation waste management site, according to the requirements of Section 724.119;
  - 10) The owner or operator shall develop and maintain procedures to prevent accidents and a contingency and emergency plan to control accidents that occur. These procedures must address proper design, construction, maintenance, and operation of remediation waste management units at the site. The goal of the plan must be to minimize the possibility of, and the hazards from, a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water that could threaten human health or the environment. The plan must explain specifically how to treat, store, and dispose of the hazardous remediation waste in question, and must be implemented immediately whenever a fire, explosion, or release of hazardous waste or hazardous waste constituents occurs that could threaten human health or the environment;
  - 11) The owner or operator shall designate at least one employee, either on the facility premises or on call (that is, available to respond to an emergency by reaching the facility quickly), to coordinate all emergency response measures. This emergency coordinator must be thoroughly familiar with all aspects of the facility's contingency plan, all operations and activities at the facility, the location and characteristics of waste handled, the location of all records within the facility, and the facility layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan;
  - 12) The owner or operator shall develop, maintain, and implement a plan to meet the requirements in subsections (j)(2) through (j)(6) and (j)(9) through (j)(10) of this Section; and
  - 13) The owner or operator shall maintain records documenting compliance with subsections (j)(1) through (j)(12) of this Section.

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(Source: Amended at 24 Ill. Reg. **9833** effective June 20, 2000)

## SUBPART O: INCINERATORS

## Section 724.440 Applicability

- a) The regulations in this Subpart apply to owners and operators of hazardous waste incinerators (as defined in 35 Ill. Adm. Code 720.110), except as Section 724.101 provides otherwise.

- b) Integration of the WACT standards.

1) Except as provided by subsection (b)(2) of this Section, the standards of this Part no longer apply when an owner or operator demonstrates compliance with the maximum achievable control technology (WACT) requirements of 40 CFR 63. Subpart EEE, incorporated by reference in 35 Ill. Adm. Code 720.111, by conducting a comprehensive performance test and submitting to the Agency a Notification of Compliance, under 40 CFR 63.1207(i) and 63.1210(d), documenting compliance requirements of 40 CFR 63.1207(i) and 63.1210(d). Nevertheless, even after this demonstration of compliance with the WACT standards, RCRA permit conditions that were based on the standards of this Part will continue to be in effect until they are removed from the permit or the permit is terminated or revoked, unless the permit expressly provides otherwise.

2) The WACT standards of 40 CFR 63, Subpart EEE do not replace the closure requirements of Section 724.451 or the applicable requirements of Subparts A through H, BB, and CC of this Part.

BOARD NOTE: Sections 9.1 and 39.5 of the Environmental Protection Act (415 ILCS 5/9.1 and 39.5) make the federal WACT standards directly applicable to entities in Illinois and authorize the Agency to issue permits based on the federal standards. In adopting this subsection (b), USEPA stated as follows:

Under [the approach adopted by USEPA as a] final rule, WACT air emissions and related operating requirements are to be included in title V permits; RCRA permits will continue to be required for all other aspects of the combustion unit and the facility that are governed by RCRA (e.g., corrective action, general facility standards, other combustor-specific concerns such as materials handling, risk-based emissions limits and operating requirements, as appropriate, and other hazardous waste management units).

64 Fed Reg. 52828, 52975 (Sept. 30, 1999).

cb) After consideration of the waste analysis included with Part B of the permit application, the Agency, in establishing the permit conditions, must exempt the applicant from all requirements of this Subpart except Section 724.441 (Waste Analysis analysis) and Section 724.451 (Closure):

- 1) If the Agency finds that the waste to be burned is:
- A) Listed as a hazardous waste in 35 Ill. Adm. Code 721,

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Subpart D solely because it is ignitable (Hazard Code I), corrosive (Hazard Code C), or both; or

- B) listed as a hazardous waste in 35 Ill. Adm. Code 721, Subpart D solely because it is reactive (Hazard Code R) for characteristics other than those listed in Section 721.123(a)(4) and (5), and will not be burned when other hazardous wastes are present in the combustion zone; or

C) A hazardous waste solely because it possesses the characteristic of ignitability, as determined by the test for characteristics of hazardous wastes under 35 Ill. Adm. Code 721, Subpart C; or

D) A hazardous waste solely because it possesses any of the reactivity characteristics described by 35 Ill. Adm. Code 721.123(a)(1), (2), (3), (6), (7) and (8) and will not be burned when other hazardous wastes are present in the combustion zone; and

- 2) If the waste analysis shows that the waste contains none of the hazardous constituents listed in 35 Ill. Adm. Code 721, Appendix H, that which would reasonably be expected to be in the waste.

de) If the waste to be burned is one that which is described by subsection (b)(1)(A), (b)(1)(B), (b)(1)(C), or (b)(1)(D), above, and contains insignificant concentrations of the hazardous constituents listed in 35 Ill. Adm. Code 721, Appendix H, then the Agency may, in establishing permit conditions, exempt the applicant from all requirements of this Subpart, except Section 724.441 (Waste Analysis analysis) and Section 724.451 (Closure), after consideration of the waste analysis included with Part B of the permit application, unless the Agency finds that the waste will pose a threat to human health or the environment when burned in an incinerator.

ed) The owner or operator of an incinerator may conduct trial burns subject only to the requirements of 35 Ill. Adm. Code 703.222 through 703.225 (Short-term Short-term and incinerator permits).

(Source: Amended at 24 Ill. Reg. **9833** effective June 20, 2000)

## SUBPART X: MISCELLANEOUS UNITS

## Section 724.701 Environmental Performance Standards

A miscellaneous unit must be located, designed, constructed, operated, maintained, and closed in a manner that will ensure protection of human health and the environment. Permits for miscellaneous units are to contain such terms and provisions as are necessary to protect human health and the environment, including, but not limited to, as appropriate, design and operating requirements, detection and monitoring requirements, and requirements for responses to releases of hazardous waste or hazardous constituents from the unit. Permit terms and provisions must include those requirements of 724.701 Subparts I through O and AA through CC of this Part, and 35 Ill. Adm. Code



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702, 703, and 730; and 40 CFR 63, Subpart EEE, incorporated by reference in 35 Ill. Adm. Code 720.111, that are appropriate for the miscellaneous unit being permitted. Protection of human health and the environment includes, but is not limited to:

- a) Prevention of any releases that may have adverse effects on human health or the environment due to migration of waste constituents in the groundwater or subsurface environment, considering:
  - 1) The volume and physical and chemical characteristics of the waste in the unit, including its potential for migration through soil, liners, or other containing structures;
  - 2) The hydrologic and geologic characteristics of the unit and the surrounding area;
  - 3) The existing quality of groundwater, including other sources of contamination and their cumulative impact on the groundwater;
  - 4) The quantity and direction of groundwater flow;
  - 5) The proximity to and withdrawal rates of current and potential groundwater users;
  - 6) The patterns of land use in the region;
  - 7) The potential for deposition or migration of waste constituents into subsurface physical structures and the root zone of food-chain crops and other vegetation;
  - 8) The potential for health risks caused by human exposure to waste constituents; and
  - 9) The potential for damage to domestic animals, wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents.
- b) Prevention of any releases that may have adverse effects on human health or the environment due to migration of waste constituents in surface water, in wetlands, or on the soil surface, considering:
  - 1) The volume and physical and chemical characteristics of the waste in the unit;
  - 2) The effectiveness and reliability of containing, confining, and collecting systems and structures in preventing migration;
  - 3) The hydrologic characteristics of the unit and surrounding area, including the topography of the land around the unit;
  - 4) The patterns of precipitation in the region;
  - 5) The quantity, quality, and direction of groundwater flow;
  - 6) The proximity of the unit to surface waters;
  - 7) The current and potential uses of the nearby surface waters and any water quality standards in 35 Ill. Adm. Code 302 or 303;
  - 8) The existing quality of surface waters and surface soils, including other sources of contamination and their cumulative impact on surface waters and surface soils;
  - 9) The patterns of land use in the region;
  - 10) The potential for health risks caused by human exposure to waste constituents; and
  - 11) The potential for damage to domestic animals, wildlife, crops, vegetation, and physical structures caused by exposure to

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waste constituents.  
c) Prevention of any release that may have adverse effects on human health or the environment due to migration of waste constituents in the air, considering:

- 1) The volume and physical and chemical characteristics of the waste in the unit, including its potential for the emission and dispersal of gases, aerosols, and particulates;
- 2) The effectiveness and reliability of systems and structures to reduce or prevent emissions of hazardous constituents to the air;
- 3) The operating characteristics of the unit;
- 4) The atmospheric, meteorologic, and topographic characteristics of the unit and the surrounding area;
- 5) The existing quality of the air, including other sources of contamination and their cumulative impact on the air;
- 6) The potential for health risks caused by human exposure to waste constituents; and
- 7) The potential for damage to domestic animals, wildlife, crops, vegetation, and physical structures caused by waste constituents.

(Source: Amended at 24 Ill. Reg. **9833**, effective June 20, 2000)

SUBPART CC: AIR EMISSION STANDARDS FOR TANKS, SURFACE IMPOUNDMENTS, AND CONTAINERS

## Section 724.983 Waste Determination Procedures

- a) Waste determination procedure for average volatile organic (VO) concentration of a hazardous waste at the point of waste origination.
  - 1) An owner or operator shall determine the average VO concentration at the point of waste origination for each hazardous waste placed in a waste management unit exempted under the provisions of Section 724.982(c)(1) from using air emission controls in accordance with standards specified in Section 724.984 through Section 724.987, as applicable to the waste management unit.
    - A) An owner or operator shall make an initial determination of the average VO concentration of the waste stream before the first time any portion of the material in the hazardous waste stream is placed in a waste management unit exempted under the provisions of Section 724.982(c)(1) from using air emission controls. Thereafter, an owner or operator shall make an initial determination of the average VO concentration of the waste stream for each averaging period that a hazardous waste is managed in the unit.
    - B) An owner or operator shall perform a new waste determination whenever changes to the source generating the waste stream are reasonably likely to cause the average VO concentration of the hazardous waste to increase to a level that is equal



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to or greater than the applicable VO concentration limits specified in Section 724.982.

- 2) For a waste determination that is required by subsection (a)(1) of this Section, the average VO concentration of a hazardous waste at the point of waste origination must be determined in accordance with the procedures specified in 35 Ill. Adm. Code 725.984(a)(2) through (a)(4).

b) Waste determination procedures for treated hazardous waste.

- 1) An owner or operator shall perform the applicable waste determination for each treated hazardous waste placed in a waste management unit exempted under the provisions of Section 724.982(c)(2)(A) through (c)(2)(F) from using air emission controls in accordance with standards specified in Sections 724.984 through 724.987, as applicable to the waste management unit.

A) An owner or operator shall make an initial determination of the average VO concentration of the waste stream before the first time any portion of the material in the treated waste stream is placed in the exempt waste management unit. Thereafter, an owner or operator shall update the information used for the waste determination at least once every 12 months following the date of the initial waste determination.

- B) An owner or operator shall perform a new waste determination whenever changes to the process generating or treating the waste stream are reasonably likely to cause the average VO concentration of the hazardous waste to increase to such a level that the applicable treatment conditions specified in Section 724.982(c)(2) are not achieved.

- 2) The waste determination for a treated hazardous waste must be performed in accordance with the procedures specified in 35 Ill. Adm. Code 725.984(b)(2) through (b)(9), as applicable to the treated hazardous waste.

- c) Procedure to determine the maximum organic vapor pressure of a hazardous waste in a tank.

1) An owner or operator shall determine the maximum organic vapor pressure for each hazardous waste placed in a tank using Tank Level 1 controls in accordance with standards specified in Section 724.984(c).

- 2) The maximum organic vapor pressure of the hazardous waste may be determined in accordance with the procedures specified in 35 Ill. Adm. Code 725.984(c)(2) through (c)(4).

- d) The procedure for determining no detectable organic emissions for the purpose of complying with this Subpart must be conducted in accordance with the procedures specified in 35 Ill. Adm. Code 725.984(d).

(Source: Amended at 24 Ill. Reg. **9853** - effective June 20, 2000)

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- 1) Heading of the Part: Standards For The Management Of Specific Hazardous Waste And Specific Types Of Hazardous Waste Management Facilities

- 2) Code citation: 35 Ill. Adm. Code 726

- 3) Section Numbers: Proposed Action:

726.200 Amend

726.201 Amend

726.205 Amend

726.212 Amend

APPENDIX H

- 4) Statutory authority: 415 ILCS 5/7.2, 22.4, and 27.

- 5) Effective date of amendments: June 20, 2000

- 6) Does this rulemaking contain an automatic repeal date? No

Do these amendments contain incorporations by reference? Yes. The existing text of Part 726 includes incorporations by reference. 35 Ill. Adm. Code 720.111 is the central listing of documents incorporated by reference for the purposes of the Illinois hazardous waste and underground injection control regulations. The present amendments include, at Section 726.200(b)(1), the addition of 40 CFR 63, Subpart EEE, incorporated by reference in 35 Ill. Adm. Code 720.111. The format of some incorporations was corrected in this action, and numerous other incorporations remain unaffected by the present amendments.

Statement of availability: The adopted amendments, a copy of the Board's opinion and order adopted May 18, 2000, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.

- 9) Notice of proposal published in Illinois Register: March 24, 2000, 24 Ill. Reg. 4745

- 10) Has JCAR issued a Statement of Objections to these rules? No. Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking was not subject to Section 5-35 of the APA, it was not subject to First Notice or Second Notice review by the Joint Committee on Administrative Rules (JCAR).

Differences between proposal and final version: The following table summarizes the differences between the amendments proposed by the Board in an opinion and order dated March 2, 2000, in docket R00-13, and the amendments adopted on May 18, 2000. Many of the differences are explained

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in greater detail in the Board's opinion and order of May 18, 2000.

Section Revised	Source(s) of Revision(s)	Revision(s)
726.200(b)(1)	JCAR	Changed to lower-case "subpart EEE" (twice); changed to upper case "this Part"
726.200(b)(2)(A)	JCAR, IEPA	Corrected the reference to "726.203(1)"
726.200(b) Board note	IEPA	Added a Board note to explain the direct implementation of the federal MACT standards in Illinois; added the quotation from the Federal Register explaining the interplay of the MACT and RCRA Subtitle C standards
726.200(d)(1)(A)(iv)	JCAR	Changed cross-reference to "this subsection (d)"
726.200(d)(1)(B)	JCAR	Changed cross-reference to "this subsection (d)"; placed quotation marks on the title of the reference, "Test Methods . . ."
726.200(d)(3)	JCAR	Changed to lower-case "subpart X"; changed cross-reference to "this subsection (d)" (twice)
726.200(h)	JCAR	Changed to lower-case "subpart X"
726.200(i) "toxicity equivalence"	JCAR	Added a comma to offset the incorporation parenthetical
726.205(c)(3) "toxicity equivalence"	JCAR	Capitalized "Subpart"
726.212(a)(2)	JCAR	Added "of" before "normal" for clarity

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726.212(a)(3)	JCAR	Added "of" before "normal" for clarity
726.212(b)(1)(A)	JCAR	Added a comma to offset the incorporation parenthetical
726.212(b)(1)(B)	JCAR	Hyphenated "waste-derived"
726.212(b)(2)(A) Board note	JCAR	Removed the section symbol "§"
726.212(b)(2)(B)	JCAR	Corrected the cross-reference to "Appendix G of this Part"
726.212(b)(2)(C)	JCAR	Hyphenated "24-hour" (twice)
726.App. H	USEPA, JCAR, IEPA	Added the missing entry for "2,4-toluene diisocyanate"; corrected the spelling of "polychlorinated" (twice)
12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 22.4(a) of the Environmental Protection Act (415 ILCS 5/22.4(a)) provides that Section 5-35 of the Administrative Procedure Act (5 ILCS 100/5-35) does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.		
13) Will these amendments replace emergency amendments currently in effect?	No	
14) Are there any other amendments pending on this Part? No		
15) Summary and purpose of amendments: A more detailed description is contained in the Board's opinion and order of May 18, 2000, adopting amendments in docket R00-13, which opinion and order is available from the address below. As is explained in that opinion, the Board delayed filing the adopted amendments for 30 days from the date the Board voted to adopt them in order to allow the United States Environmental Protection Agency (USEPA) an opportunity to comment on the amendments before they became effective.		

This proceeding updates the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the update period of July 1, 1999, through

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December 31, 1999. Please refer to the corresponding segment of the questionnaire in the Notice of Adopted Amendments for 35 Ill. Adm. Code 720 that appears elsewhere in this issue of the Illinois Register. That Notice includes a detailed outline of the federal actions involved in the broader proceeding of which the amendments to Part 726 are a single segment.

Specifically, the amendments to Part 726 implement segments of the federal September 30, 1999 hazardous waste combustor rule, and the November 19, 1999 corrections to the hazardous waste combustor rule.

Section 22.4 of the Environmental Protection Act (415 ILCS 5/22.4) provides that Section 5-35 of the Administrative Procedure Act (5 ILCS 100/5-35) does not apply to this rulemaking. Because this rulemaking was not subject to Section 5-35 of the APA, it was not subject to First Notice or to Second Notice review by JCAR.

16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge  
Attorney  
Illinois Pollution Control Board  
100 W. Randolph 11-500  
Chicago, IL 60601  
312-814-6324

Request copies of the Board's opinion and order of May 18, 2000, from Patricia Jones, at 312-814-3620. Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at <http://www.ipcb.state.il.us>.

The full text of the adopted amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE G: WASTE DISPOSAL  
CHAPTER I: POLLUTION CONTROL BOARD  
SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

## PART 726

STANDARDS FOR THE MANAGEMENT OF  
SPECIFIC HAZARDOUS WASTE AND SPECIFIC TYPES  
OF HAZARDOUS WASTE MANAGEMENT FACILITIES

SUBPART C: RECYCLABLE MATERIALS USED IN A  
MANNER CONSTITUTING DISPOSAL

Section	Applicability
726.120	Standards applicable to generators and transporters of materials used in a manner that constitutes disposal
726.121	Standards applicable to storers, who are not the ultimate users, of materials that are to be used in a manner that constitutes disposal
726.122	Standards Applicable to Users of Materials that are Used in a Manner that Constitutes Disposal
726.123	

SUBPART D: HAZARDOUS WASTE BURNED FOR ENERGY RECOVERY

Section	Applicability (Repealed)
726.130	Prohibitions (Repealed)
726.131	Standards applicable to generators of hazardous waste fuel (Repealed)
726.132	Standards applicable to transporters of hazardous waste fuel (Repealed)
726.133	Standards applicable to marketers of hazardous waste fuel (Repealed)
726.134	Standards applicable to burners of hazardous waste fuel (Repealed)
726.135	Standards applicable to marketers of hazardous waste fuel (Repealed)
726.136	Conditional exemption for spent materials and by-products exhibiting a characteristic of hazardous waste (Repealed)

SUBPART E: USED OIL BURNED FOR ENERGY RECOVERY (Repealed)

Section	Applicability (Repealed)
726.140	Prohibitions (Repealed)
726.141	Standards applicable to generators of used oil burned for energy recovery (Repealed)
726.142	Standards applicable to marketers of used oil burned for energy recovery (Repealed)
726.143	Standards applicable to burners of used oil burned for energy recovery (Repealed)
726.144	Standards applicable to burners of used oil burned for energy recovery (Repealed)

SUBPART F: RECYCLABLE MATERIALS UTILIZED FOR

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## PRECIOUS METAL RECOVERY

Section  
726.170 Applicability and requirements

SUBPART G: SPENT LEAD-ACID BATTERIES  
BEING RECLAIMED

Section  
726.180 Applicability and requirements

SUBPART H: HAZARDOUS WASTE BURNED IN BOILERS  
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## TABLE A Exempt Quantities for Small Quantity Burner Exemption

AUTHORITY: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4 and 27].

SOURCE: Adopted in R85-22 at 10 Ill. Reg. 1162, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14156, effective August 12, 1986; amended in R87-26 at 12 Ill. Reg. 2900, effective January 15, 1988; amended in R89-1 at 13 Ill. Reg. 18606, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14533, effective August 22, 1990; amended in R90-11 at 15 Ill. Reg. 9727, effective June 17, 1991; amended in R91-13 at 16 Ill. Reg. 9858, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5865, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20904, effective November 22, 1993; amended in R94-7 at 18 Ill. Reg. 12500, effective July 29, 1994; amended in R95-6 at 19 Ill. Reg. 10006, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11263, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 754, effective December 16, 1997; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 18042, effective September 28, 1998; amended in R99-15 at 23 Ill. Reg. 9482, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9853, effective June 20, 2000.

NOTE: In this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets; and SUM means the summation series or sigma function as used in mathematics.

SUBPART H: HAZARDOUS WASTE BURNED IN BOILERS  
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## Section 726.200 Applicability

a) The regulations of this Subpart apply to hazardous waste burned or processed in a boiler or industrial furnace (BIF) (as defined in 35

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Ill. Adm. Code 720.110) irrespective of the purpose of burning or processing, except as provided by subsections (b), (c), (d), and (f) of this Section. In this Subpart, the term "burn" means burning for energy recovery or destruction or processing for materials recovery or as an ingredient. The emissions standards of Sections 726.204, 726.205, 726.206, and 726.207 apply to facilities operating under interim status or under a RCRA permit, as specified in Sections 726.202 and 726.203.

## b) Integration of the MACT standards.

1) Except as provided by subsection (b)(2) of this Section, the standards of this Part no longer apply when an affected source demonstrates compliance with the maximum achievable control technology (MACT) requirements of 40 CFR 63, subpart EEE, incorporated by reference in 35 Ill. Adm. Code 720.111, by conducting a comprehensive performance test and submitting to the Agency a Notification of Compliance under 40 CFR 63.1207(f) and 63.1210(d), documenting compliance with the requirements of 40 CFR 63, subpart EEE. Nevertheless, even after this demonstration of compliance with the MACT standards, RCRA permit conditions that were based on the standards of this Part will continue to be in effect until they are removed from the permit or the permit is terminated or revoked, unless the permit expressly provides otherwise.

## 2) The following standards continue to apply:

- A) The closure requirements of Sections 726.202(e)(11) and 726.203(l)(2)
- B) The standards for direct transfer of Section 726.211;
- C) The standards for regulation of residues of Section 726.312; and
- D) The applicable requirements of Subparts A through H, BB and CC of 35 Ill. Adm. Code 724 and 725.

BOARD NOTE: Sections 9.1 and 39.5 of the Environmental Protection Act [415 ILCS 5/9.1 and 39.5] make the federal MACT standards directly applicable to entities in Illinois and authorize the Agency to issue permits based on the federal standards. In adopting this subsection (b), USEPA stated as follows:

Under [the approach adopted by USEPA as a] final rule, MACT air emissions and related operating requirements are to be included in title V permits: RCRA permits will continue to be required for all other aspects of the combustion unit and the facility that are governed by RCRA (e.g., corrective action, general facility standards, other combustor-specific concerns such as materials handling, risk-based emissions limits and operating requirements, as appropriate, and other hazardous waste management units).

64 Fed Reg. 52828, 52975 (Sept. 30, 1999).

eb) The following hazardous wastes and facilities are not subject to regulation under this Subpart:

- 1) Used oil burned for energy recovery that is also a hazardous

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waste solely because it exhibits a characteristic of hazardous waste identified in 35 Ill. Adm. Code 721.Subpart C. Such used oil is subject to regulation under 35 Ill. Adm. Code 739, rather than this Subpart;

- 2) Gas recovered from hazardous or solid waste landfills, when such gas is burned for energy recovery;
- 3) Hazardous wastes that are exempt from regulation under 35 Ill. Adm. Code 721.104 and 721.106(a)(3)(C) and (a)(3)(D) and hazardous wastes that are subject to the special requirements for conditionally exempt small quantity generators under 35 Ill. Adm. Code 721.105; and
- 4) Coke ovens, if the only hazardous waste burned is USEPA hazardous waste no. K087 decanter tank tar sludge from coking operations. (ge) Owners and operators of smelting, melting, and refining furnaces (including pyrometallurgical devices such as cupolas, sintering machines, roasters, and foundry furnaces, but not including cement kilns, aggregate kilns, or halogen acid furnaces burning hazardous waste) that process hazardous waste solely for metal recovery are conditionally exempt from regulation under this Subpart, except for Sections 726.201 and 726.212.

1) To be exempt from Sections 726.202 through 726.211, an owner or operator of metal recovery furnace or mercury recovery furnace shall comply with the following requirements, except that an owner or operator of a lead or a nickel-chromium recovery furnace or a metal recovery furnace that burns baghouse bags used to capture metallic dust emitted by steel manufacturing shall comply with the requirements of subsection (d)(3) ~~727(d)~~ of this Section, and an owner or operator of a lead recovery furnace that is subject to regulation under the Secondary Lead Smelting NESHAP of 40 CFR 63, Subpart X shall comply with the requirements of subsection (h) of this Section:

A) Provide a one-time written notice to the Agency indicating the following:

- i) The owner or operator claims exemption under this subsection;
- ii) The hazardous waste is burned solely for metal recovery consistent with the provisions of subsection (c)(2) of this Section;
- iii) The hazardous waste contains recoverable levels of metals; and
- iv) The owner or operator will comply with the sampling and analysis and recordkeeping requirements of this subsection (d).

B) Sample and analyze the hazardous waste and other feedstocks as necessary to comply with the requirements of this subsection (d) under procedures specified by "Test Methods for Evaluating Solid Waste, Physical/Chemical," SW-846, incorporated by reference in 35 Ill. Adm. Code



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720.111, or alternative methods that meet or exceed the SW-846 method performance capabilities. If SW-846 does not prescribe a method for a particular determination, the owner or operator shall use the best available method; and

- C) Maintain at the facility for at least three years records to document compliance with the provisions of this subsection including limits on levels of toxic organic constituents and Btu value of the waste, and levels of recoverable metals in the hazardous waste compared to normal non-hazardous waste feedstocks.

- 2) A hazardous waste meeting either of the following criteria is not processed solely for metal recovery:

A) The hazardous waste has a total concentration of organic compounds listed in 35 Ill. Adm. Code 721.Appendix H exceeding 500 ppm by weight, as fired, and so is considered to be burned for destruction. The concentration of organic compounds in a waste as-generated may be reduced to the 500 ppm limit by bona fide treatment that removes or destroys organic constituents. Blending for dilution to meet the 500 ppm limit is prohibited, and documentation that the waste has not been impermissibly diluted must be retained in the records required by subsection (c)(1)(C) of this Section; or

- B) The hazardous waste has a heating value of 5,000 Btu/lb or more, as-fired, and is so considered to be burned as fuel. The heating value of a waste as-generated may be reduced to below the 5,000 Btu/lb limit by bona fide treatment that removes or destroys organic constituents. Blending for dilution to meet the 5,000 Btu/lb limit is prohibited and documentation that the waste has not been impermissibly diluted must be retained in the records required by subsection (c)(1)(C) of this Section.

- 3) To be exempt from Sections 726.202 through 726.211, an owner or operator of a lead, nickel-chromium, or mercury recovery furnace, except for an owner or operator of a lead recovery furnace that is subject to regulation under the Secondary Lead Smelting NESHAP of 40 CFR 63, subpart X, or a metal recovery furnace that burns baghouse bags used to capture metallic dusts emitted by steel manufacturing shall provide a one-time written notice to the Agency identifying each hazardous waste burned and specifying whether the owner or operator claims an exemption for each waste under this subsection (d) or subsection (c)(1) of this Section. The owner or operator shall comply with the requirements of subsection (c)(1) of this Section for those wastes claimed to be exempt under this subsection and with the following requirements for those wastes claimed to be exempt under this subsection (d):

- A) The hazardous wastes listed in Appendices K, L, and M of this Part and baghouse bags used to capture metallic dusts emitted by steel manufacturing are exempt from the

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requirements of subsection (c)(1) of this Section, provided that:

- i) A waste listed in Appendix K of this Part must contain recoverable levels of lead, a waste listed in Appendix L of this Part must contain recoverable levels of nickel or chromium, a waste listed in Appendix M of this Part must contain recoverable levels of mercury and contain less than 500 ppm of 35 Ill. Adm. Code 721.Appendix H organic constituents, and baghouse bags used to capture metallic dusts emitted by steel manufacturing must contain recoverable levels of metal;

- ii) The waste does not exhibit the toxicity characteristic toxicity characteristic of 35 Ill. Adm. Code 721.124 for an organic constituent;

- iii) The waste is not a hazardous waste listed in 35 Ill. Adm. Code 721.Subpart D because it is listed for an organic constituent, as identified in 35 Ill. Adm. Code 721.Appendix G; and

- iv) The owner or operator certifies in the one-time notice that hazardous waste is burned under the provisions of subsection (c)(3) of this Section and that sampling and analysis will be conducted or other information will be obtained as necessary to ensure continued compliance with these requirements. Sampling and analysis must be conducted according to subsection (c)(1)(B) of this Section, and records to document compliance with subsection (c)(3) of this Section must be kept for at least three years.

- B) The Agency may decide, on a case-by-case basis, that the toxic organic constituents in a material listed in Appendix K, Appendix L, or Appendix M of this Part that contains a total concentration of more than 500 ppm toxic organic compounds listed in 35 Ill. Adm. Code 721.Appendix H may pose a hazard to human health and the environment when burned in a metal recovery furnace exempt from the requirements of this Subpart. Under these circumstances, after adequate notice and opportunity for comment, the metal recovery furnace will become subject to the requirements of this Subpart when burning that material. In making the hazard determination, the Agency shall consider the following factors:

- i) The concentration and toxicity of organic constituents in the material;
- ii) The level of destruction of toxic organic constituents provided by the furnace; and
- iii) Whether the acceptable ambient levels established in Appendix D or E of this Part will be exceeded for any

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toxic organic compound that may be emitted based on dispersion modeling to predict the maximum annual average off-site ground level concentration.

- ed) The standards for direct transfer operations under Section 726.211 apply only to facilities subject to the permit standards of Section 726.202 or the interim status standards of Section 726.203.

- fe) The management standards for residues under Section 726.212 apply to any BIF burning hazardous waste.

- gf) Owners and operators of smelting, melting, and refining furnaces (including pyrometallurgical devices such as cupolas, sintering machines, roasters, and foundry furnaces) that process hazardous waste for recovery of economically significant amounts of the precious metals gold, silver, platinum, palladium, iridium, osmium, rhodium, ruthenium, or any combination of these metals are conditionally exempt from regulation under this Subpart, except for Section 726.212. To be exempt from Sections 726.202 through 726.211, an owner or operator shall:

- 1) Provide a one-time written notice to the Agency indicating the following:

- A) The owner or operator claims exemption under this Section,
- B) The hazardous waste is burned for legitimate recovery of precious metal, and

- C) The owner or operator will comply with the sampling and analysis and recordkeeping requirements of this Section;

- 2) Sample and analyze the hazardous waste, as necessary, to document that the waste is burned for recovery of economically significant amounts of precious metal, using procedures specified by Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, or alternative methods that meet or exceed the SW-846 method performance capabilities. If SW-846 does not prescribe a method for a particular determination, the owner or operator shall use the best available method; and

- 3) Maintain, at the facility for at least three years, records to document that all hazardous wastes burned are burned for recovery of economically significant amounts of precious metal.

- b) An owner or operator of a lead recovery furnace that processes hazardous waste for recovery of lead and which is subject to regulation under the Secondary Lead Smelting NESHAP of 40 CFR 63. Subpart X, is conditionally exempt from regulation under this Subpart, except for Section 726.201. To become exempt, an owner or operator shall provide a one-time notice to the Agency identifying each hazardous waste burned and specifying that the owner or operator claims an exemption under this subsection (h). The notice also must state that the waste burned has a total concentration of non-metal compounds listed in 35 Ill. Adm. Code 721. Appendix H of less than 500 ppm by weight, as fired and as provided in subsection (d)(1)(A) of this Section, or is listed in Appendix K to this Part.

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- ig) Abbreviations and definitions. The following definitions and abbreviations are used in this Subpart:

"APCS" means air pollution control system.

"BIF" means boiler or industrial furnace.

"Carcinogenic metals" means arsenic, beryllium, cadmium, and chromium.

"CO" means carbon monoxide.

"Continuous monitor" is a monitor that continuously samples the regulated parameter without interruption, that evaluates the detector response at least once each 15 seconds, and that computes and records the average value at least every 60 seconds.

"DRE" means destruction or removal efficiency.

"cu m" or "m(3)" means cubic meters.

"E" means "ten to the power". For example, "XE-y" means "X times ten to the -y power".

"Feed rates" are measured as specified in Section 726.202(e)(6).

"Good engineering practice stack height" is as defined by 40 CFR 51.100(i), incorporated by reference in 35 Ill. Adm. Code 720.111.

"HC" means hydrocarbon.

"HCl" means hydrogen chloride gas.

"Hourly rolling average" means the arithmetic mean of the 60 most recent one-minute average values recorded by the continuous monitoring system.

"K" means Kelvin.

"kVA" means kilovolt amperes.

"MEI" means maximum exposed individual.

"MEI location" means the point with the maximum annual average off-site (unless on-site is required) ground level concentration.

"Noncarcinogenic metals" means antimony, barium, lead, mercury,

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thallium, and silver.

"One hour block average" means the arithmetic mean of the one minute averages recorded during the 60-minute period beginning at one minute after the beginning of preceding clock hour.

"PIC" means product of incomplete combustion.

"PM" means particulate matter.

"POHC" means principal organic hazardous constituent.

"ppmv" means parts per million by volume.

"QA/QC" means quality assurance and quality control.

"Rolling average for the selected averaging period" means the arithmetic mean of one hour block averages for the averaging period.

"RAC" means reference air concentration, the acceptable ambient level for the noncarcinogenic metals for purposes of this Subpart. RACs are specified in Appendix D of this Part.

"RSD" means risk-specific dose, the acceptable ambient level for the carcinogenic metals for purposes of this Subpart. RSDs are specified in Appendix E of this Part.

"SSU" means "Saybolt Seconds Universal", a unit of viscosity measured by ASTM D 88-87 or D 2161-87, incorporated by reference in 35 Ill. Adm. Code 720.111.

"TCLP test" means the toxicity characteristic leaching procedure of 35 Ill. Adm. Code 721.124.

"TPESH" means terrain-adjusted effective stack height (in meters).

"Tier I". See Section 726.206(b).

"Tier II". See Section 726.206(c).

"Tier III". See Section 726.206(d).

"Toxicity equivalence" is estimated, pursuant to Section 726.204(e), using "Procedures for Estimating the Toxicity Equivalence of Chlorinated Dibenzo-p-dioxin and Dibenzofuran Congeners," incorporated by reference in Appendix I of this Part.

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"mg" means microgram.

(Source: Amended at 24 Ill. Reg. 9853, effective June 20, 2000)

Section 726.201 Management prior to Burning

- a) Generators. Generators of hazardous waste that is burned in a Bif are subject to 35 Ill. Adm. Code 722.
- b) Transporters. Transporters of hazardous waste that is burned in a Bif are subject to 35 Ill. Adm. Code 723.
- c) Storage and treatment facilities.

1) An owner or operator of a facility ~~facilities~~ that stores or treats ~~store~~ hazardous waste that is burned in a Bif is ~~are~~ subject to the applicable provisions of 35 Ill. Adm. Code 724 and 725 ~~724-Subparts-A-through-B~~ ~~725-Subparts-A-through-B~~ ~~724-Subparts-A-through-B~~ and 35 Ill. Adm. Code 702 and 703, except as provided by subsection (c)(2) of this Section below. These standards apply to storage and treatment by the burner as well as to any storage of treatment facility ~~facilities~~ operated by an intermediary ~~intermediaries~~ (a processor, blender, distributor ~~processors~~, ~~blenders~~, ~~distributors~~, etc.) between the generator and the burner.

2) An owner or operator of a facility ~~Owners-and-operators-of facilities~~ that burns ~~burn~~ in an on-site Bif exempt from regulation under the small quantity burner provisions of Section 726.206, hazardous waste that it generates ~~is they generate~~ are exempt from regulation under 35 Ill. Adm. Code 724 and 725 ~~724-Subparts-A-through-B~~ ~~725-Subparts-A-through-B~~ ~~724-Subparts-A-through-B~~ and 35 Ill. Adm. Code 702 and 703 applicable to storage units for those storage units that store mixtures of hazardous waste and the primary fuel to the Bif in tanks that feed the fuel mixture directly to the burner. Storage of hazardous waste prior to mixing with the primary fuel is subject to regulation as prescribed in subsection (c)(1) of this Section above.

(Source: Amended at 24 Ill. Reg. 9853, effective June 20, 2000)

Section 726.205 Standards to control PM

- a) A Bif burning hazardous waste must not emit PM in excess of 180 mg/dry standard cu m (0.08 grains/dry standard cubic foot) after correction to a stack gas concentration of 7% oxygen, using procedures prescribed in 40 CFR 60, Appendix A, methods 1 through 5, ~~incorporated by reference in 35 Ill. Adm. Code 720.111, and incorporated by reference in Appendix I of this Part (see 726.204(e)).~~
- b) An owner or operator meeting the requirements of Section 726.209(b) for the low risk waste exemption is exempt from the PM standard.
- c) Oxygen correction.

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- 1) Measured pollutant levels must be corrected for the amount of oxygen in the stack gas according to the formula:

$$P[C] = P[M] \times 14/[E-Y]$$

Where:

$P[C]$  is the corrected concentration of the pollutant in the stack gas,

$P[M]$  is the measured concentration of the pollutant in the stack gas,

$E$  is the oxygen concentration on the dry basis in the combustion air fed to the device, and

$Y$  is the measured oxygen concentration on a dry basis in the stack.

- 2) For devices that feed normal combustion air,  $E$  will equal 21 percent. For devices that feed oxygen-enriched air for combustion (that is, air with an oxygen concentration exceeding 21 percent), the value of  $E$  will be the concentration of oxygen in the enriched air.

- 3) Compliance with all emission standards provided by this Subpart must be based on correcting to seven percent oxygen using this procedure.

ge) For the purposes of permit enforcement, compliance with the operating requirements specified in the permit (under Section 726.202) will be regarded as compliance with this Section. However, evidence that compliance with those permit conditions is insufficient to ensure compliance with the requirements of this Section is "information" justifying modification or revocation and re-issuance of a permit under 35 Ill. Adm. Code 703.270 et seq.

(Source: Amended at 24 Ill. Reg. 9863, effective June 20, 2000)

## Section 726.212 Regulation of Residues

A residue derived from the burning or processing of hazardous waste in a BIP is not excluded from the definition of a hazardous waste under 35 Ill. Adm. Code 721.104(b)(4), (b)(7), or (b)(8) unless the device and the owner or operator meet the following requirements:

- a) The device meets the following criteria:
  - 1) Boilers. Boilers must burn at least 50% coal on a total heat input or mass basis, whichever results in the greater mass feed rate of coal;
  - 2) Ore or mineral furnaces. Industrial furnaces subject to 35 Ill. Adm. Code 721.104(b)(7) must process at least 50% by weight of normal, nonhazardous raw materials;
  - 3) Cement kilns. Cement kilns must process at least 50% by weight of normal cement-production raw materials;

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- b) The owner or operator demonstrates that the hazardous waste does not significantly affect the residue by demonstrating conformance with either of the following criteria:

- 1) Comparison of waste-derived residue with normal residue. The waste-derived residue must not contain 35 Ill. Adm. Code 721.Appendix H constituents (toxic constituents) that could reasonably be attributable to the hazardous waste at concentrations significantly higher than in residue generated without burning or processing of hazardous waste, using the following procedure. Toxic compounds that could reasonably be attributable to burning or processing the hazardous waste (constituents of concern) including toxic constituents in the hazardous waste, and the organic compounds listed in 35 Ill. Adm. Code 721.Appendix H that may be PICs. Sampling and analyses must be in conformance with procedures prescribed in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA H-8-R EPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a). For polychlorinated dibenzo-p-dioxins and polychlorinated dibenzofurans (D/P), analyses must be performed to determine specific congeners and homologues, and the results converted to 2,3,7,8-TCDF equivalent values using the procedure specified in section 4.0 of the documents referenced in Appendix I of this Part.

A) Normal residue. Concentrations of toxic constituents of concern in normal residue must be determined based on analyses of a minimum of 10 samples representing a minimum of 10 days of operation. Composite samples may be used to develop a sample for analysis provided that the compositing period does not exceed 24 hours. The upper tolerance limit (at 95% confidence with a 95% proportion of the sample distribution) of the concentration in the normal residue shall be considered the statistically-derived concentration in the normal residue. If changes in raw materials or fuels reduce the statistically-derived concentrations of the toxic constituents of concern in the normal residue, the statistically-derived concentrations must be revised or statistically-derived concentrations of toxic constituents in normal residue must be established for a new mode of operation with the new raw material or fuel. To determine the upper tolerance limit in the normal residue, the owner or operator shall use statistical procedures prescribed in "Statistical Methodology for Bevill Residue Determinations," incorporated by reference in Section 726. Appendix I of this Part.

- B) Waste-derived residue. Waste derived residue must be sampled and analyzed as often as necessary to determine whether the residue generated during each 24-hour period has concentrations of toxic constituents that are higher than



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the concentrations established for the normal residue under subsection (b)(1)(A) of this Section **above**. If so, hazardous waste burning has significantly affected the residue and the residue is not excluded from the definition of "hazardous waste". Concentrations of toxic constituents in waste-derived residue must be determined based on analysis of one or more samples obtained over a 24-hour period. Multiple samples may be analyzed, and multiple samples may be taken to form a composite sample for analysis provided that the sampling period does not exceed 24 hours. If more than one sample is analyzed to characterize waste-derived residues generated over a 24-hour period, the concentration of each toxic constituent must be the arithmetic mean of the concentrations in the samples. No results can be disregarded; or

2) Comparison of waste-derived residue concentrations with health-based limits.

A) Nonmetal constituents. The concentration of each nonmetal toxic constituent of concern (specified in subsection (b)(1) of this Section **above**) in the waste-derived residue must not exceed the health-based level specified in Section 726-Appendix G of this Part, or the level of detection (using analytical procedures prescribed in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA 8-8-BPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111), whichever is higher. If a health-based limit for a constituent of concern is not listed in Appendix G of this Part, then a limit of 0.002 mg/kg or the level of detection (using analytical procedures prescribed in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA 8-8-BPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111), whichever is higher, must be used. The levels specified in Section 726-Appendix G of this Part (and the default level of 0.002 mg/kg or the level of detection for constituents, as identified in Note 1 of Section 726-Appendix G of this Part) are administratively stayed under the condition, for those constituents specified in subsection (b)(1) of this Section **above**, that the owner or operator complies with alternative levels defined as the land disposal restriction limits specified in 35 Ill. Adm. Code 728.143 and 728-Table B for F039 nonwastewaters. In complying with those alternative levels, if an owner or operator is unable to detect a constituent despite documenting use of the best good-faith efforts, as defined by applicable USEPA 8-8-BPA guidance and standards, the owner or operator is deemed to be in compliance for that constituent. Until USEPA 8-8-BPA develops new guidance or

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standards, the owner or operator may demonstrate such good-faith efforts by achieving a detection limit for the constituent that does not exceed an order of magnitude above (ten times) the level provided by 35 Ill. Adm. Code 728.143 and 728-Table B for F039 nonwastewater levels for polychlorinated dibenzo-p-dioxins and polychlorinated dibenzofurans (D/F), analyses must be performed for total hexachlorodibenzo-p-dioxins, total hexachlorodibenzofurans, total pentachlorodibenzo-p-dioxins, and total tetrachlorodibenzofurans: **nonwastewaters--the stay--will remain--in-effect-until-further-rulemaking-action-is-taken--and**

BOARD NOTE: In a note to corresponding 40 CFR 266.112(b)(2)(i) (1999), as amended at 64 Fed. Reg. 53076 (Sept. 30, 1999), USEPA stated as follows:

The administrative stay, under the condition that the owner or operator complies with alternative levels defined as the land disposal restriction limits specified in 35 Ill. Adm. Code 728.143 for F039 nonwastewaters, remains in effect until further administrative action is taken and notice is published in the Federal Register and the Code of Federal Regulations.

Under Section 3006(b) and (g) of RCRA, 42 USC 6926(b) and (g), federal amendments do not go into effect in Illinois until the State of Illinois incorporates them into the State program. This applies unless the authority under which USEPA adopted the amendments is the Hazardous and Solid Waste Amendments of 1984 (HSWA), in which case the federal amendments become effective in Illinois on their federal effective date.

B) Metal constituents. The concentration of metals in an extract obtained using the TCLP test must not exceed the levels specified in Section 726-Appendix G of this Part; and Sampling and analysis. Wastewater-derived residue must be sampled and analyzed as often as necessary to determine whether the residue generated during each 24-hour 24--hour period has concentrations of toxic constituents that are higher than the health-based levels. Concentrations of concern in the wastewater-derived residue must be determined based on analysis of one or more samples obtained over a 24-hour period. Multiple samples may be analyzed, and multiple samples may be taken to form a composite for analysis provided that the sampling period does not exceed 24 hours. If more than one sample is analyzed to characterize waste-derived residues generated over a 24-hour 24--hour period, the concentration of each toxic constituent is the arithmetic mean of the concentrations of the samples.



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- c) No results can be disregarded; and  
 Records sufficient to document compliance with the provisions of this  
 Section must be retained until closure of the BIF unit. At a minimum,  
 the following must be recorded:

- 1) Levels of constituents in 35 Ill. Adm. Code 721.Appendix H that  
 are present in waste-derived residues;
- 2) If the waste-derived residue is compared with normal residue  
 under subsection (b)(1) of this Section above:
  - A) the levels of constituents in 35 Ill. Adm. Code 721.Appendix  
 H that are present in normal residues; and
  - B) Data and information, including analyses of samples as  
 necessary, obtained to determine if changes in raw materials  
 or fuels would reduce the concentration of toxic  
 constituents of concern in the normal residue.

(Source: Amended at 24 Ill. Reg. 9853 effective June 20, 2000)

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# Section 726.APPENDIX H Potential PICs for Determination of Exclusion of Waste-Derived Residues

## PICs Found in Stack Effluents

### Volatiles

Benzene  
 Toluene  
 Carbon tetrachloride  
 Chloroform  
 Methylene chloride  
 Trichloroethylene  
 Tetrachloroethylene  
 1,1,1-Trichloroethane  
 Chlorobenzene  
 cis-1,4-Dichloro-2-butene  
 Bromochloromethane  
 Bromodichloromethane  
 Bromoform  
 Bromomethane  
 Methylene bromide  
 Methyl ethyl ketone

### Semivolatiles

Bis(2-ethylhexyl)phthalate  
 Naphthalene  
 Phenol  
 Diethyl phthalate  
 Butyl benzyl phthalate  
 2,4-Dimethylphenol  
 o-Dichlorobenzene  
 m-Dichlorobenzene  
 p-Dichlorobenzene  
 Hexachlorobenzene  
 2,4,6-Trichlorophenol  
 Fluoranthene  
 o-Nitrophenol  
 1,2,4-Trichlorobenzene  
 o-Chlorophenol  
 Pentachlorophenol  
 Pyrene  
 Dimethyl phthalate  
 Mononitrobenzene  
 2,6-Toluene diisocyanate

Polychlorinated dibenzo-p-dioxins(1)  
Polychlorinated dibenzo-furans(1)  
 Analyses for polychlorinated dibenzo-p-dioxins and polychlorinated  
 dibenzo-furans are required only for residues collected from areas downstream  
 of the combustion chamber (e.g., ductwork, boiler tubes, heat exchange  
 surfaces, air pollution control devices, etc.).

BOARD NOTE: Analysis is not required for those compounds that do not have an  
 established F039 nonwastewater concentration limit.

(Source: Amended at 24 Ill. Reg. 9853 effective June 20, 2000)

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- 1) **Heading of the Part:** Standards For Universal Waste Management

- 2) **Code citation:** 35 Ill. Adm. Code 733

3) **Section Numbers:****Adopted Action:**

733.101

Amend

733.102

Amend

733.103

Amend

733.104

Amend

733.105

Amend

733.107

Repeal

733.108

Renumber, Amend

733.109

Renumber, Amend

733.110

Amend

733.113

Amend

733.114

Amend

733.130

Amend

733.132

Amend

733.133

Amend

733.134

Amend

733.150

Amend

733.160

Amend

733.181

Amend

- 4) **Statutory authority:** 415 ILCS 5/7-2, 22-4, 22-23a, and 27.

- 5) **Effective date of amendments:** June 20, 2000

- 6) **Does this rulemaking contain an automatic repeal date?** No

- 7) **Do these amendments contain incorporations by reference?** No. Although the existing text of Part 733 includes incorporations by reference, the present amendments do not affect those incorporations.

- 8) **Statement of availability:** The adopted amendments, a copy of the Board's opinion and order adopted May 18, 2000, an all materials incorporated by reference are on file at the Board's principal office are available for public inspection and copying.

- 9) **Notice of proposal published in Illinois Register:** March 24, 2000, 24 Ill. Reg. 4766

- 10) **Has JCAR issued a Statement of Objections to these amendments?** No. Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking was not subject to Section 5-35 of the APA, it was not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules

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(JCAR).

- 11) Differences between proposal and final version: The following table summarizes the differences between the amendments proposed by the Board in an opinion and order dated March 2, 2000, in docket R00-13, and the amendments adopted on May 18, 2000. Many of the differences are explained in greater detail in the Board's opinion and order of May 18, 2000.

Section Revised	Source(s) of Revision(s)	Revision(s)
733.103(a)(1)(A)	JCAR	Removed the section symbol "ss"
733.108(a)(2)	JCAR	Corrected the cross-reference to "Section 733.109"
733.109 "battery"	JCAR	Changed "which" to "that" for a restrictive relative clause
733.113(a)(3)(B)	JCAR	Corrected "is" to "as"
733.113(c)(3)(B)	JCAR	Capitalized the word "State"
733.113(d)(3)	Spent Lamp Recycling, Air Cycle, Com Ed, IMA	Retained the language of former subsection (d)(5) relating to spent lamp volume reduction, altering the usage to the federal "spent lamps"
733.113(d) Board Note	Board	Restored the note, but deleted the reference to the Public Act, since the amendment now appears in printed versions of the Act
733.114(d)	JCAR	Removed the parentheses from the plural "pesticides" (three times)

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- 733.114(e) JCAR Removed the parentheses from the plural "lamps" (three times); deleted Board note
- 733.113(d) Board Note Restored the note, but deleted the reference to the Public Act, since the amendment now appears in printed versions of the Act
- 733.133(d)(3) Spent Lamp Recycling, Air Cycle, Com Ed, IWA Retained the language of former subsection (d)(5) relating to spent lamp volume reduction, altering the usage to the federal "spent lamps"
- 733.134(d) JCAR Removed the parentheses from the plural "pesticides" (three times)

- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

- 13) Will these amendments replace emergency amendments currently in effect?  
No

- 14) Are there any other amendments pending on this Part? No

- 15) Summary and purpose of amendments: A more detailed description is contained in the Board's opinion and order of May 18, 2000, adopting amendments in docket R00-13, which opinion and order is available from the address below. As is explained in that opinion, the Board delayed filing the adopted amendments for 30 days from the date the Board voted to adopt them in order to allow the United States Environmental Protection Agency (USEPA) an opportunity to comment on the amendments before they became effective.

This proceeding updates the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the *Federal Register* during the update period of July 1, 1999, through

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December 31, 1999. Please refer to the corresponding segment of the questionnaire in the Notice of Adopted Amendments for 35 Ill. Adm. Code 720 that appears elsewhere in this issue of the *Illinois Register*. That Notice includes a detailed outline of the federal actions involved in the broader proceeding of which the amendments to Part 733 are a single segment.

Specifically, the amendments to Part 733 implement the major segments of the federal July 6, 1999 designation of lamps as universal waste. Section 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking was not subject to Section 5-35 of the APA, it was not subject to First Notice or to Second Notice review by JCAR.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge  
Attorney  
Illinois Pollution Control Board  
100 W. Randolph 11-500  
Chicago, IL 60601  
312-814-6924

Request copies of the Board's opinion and order of May 18, 2000, from Patricia Jones, at 312-814-3620. Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at <http://www.ipcb.state.il.us>.

The full text of the adopted amendments begins on the next page:

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## TITLE 35: ENVIRONMENTAL PROTECTION

## SUBTITLE G: WASTE DISPOSAL

## CHAPTER I: POLLUTION CONTROL BOARD

## SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

## PART 733

## STANDARDS FOR UNIVERSAL WASTE MANAGEMENT

## SUBPART A: GENERAL

Section	
733.101	Scope
733.102	Applicability--Batteries
733.103	Applicability--Pesticides
733.104	Applicability--Mercury Thermostats
733.105	Applicability--Lamps Applicability--Household--and--Conditionally Exempt--Small--Quantity--Generator--Waste Definitions (Renumbered)
733.106	Applicability--Mercury-Containing Lamps (Repealed)
733.107	Applicability--Household and Conditionally Exempt Small Quantity Generator Waste
733.108	Definitions
733.109	

## SUBPART B: STANDARDS FOR SMALL QUANTITY HANDLERS

Section	
733.110	Applicability
733.111	Prohibitions
733.112	Notification
733.113	Waste Management
733.114	Labeling and Marking
733.115	Accumulation Time Limits
733.116	Employee Training
733.117	Response to Releases
733.118	Off-Site Shipments
733.119	Tracking Universal Waste Shipments
733.120	Exports

## SUBPART C: STANDARDS FOR LARGE QUANTITY HANDLERS

Section	
733.130	Applicability
733.131	Prohibitions
733.132	Notification
733.133	Waste Management
733.134	Labeling and Marking
733.135	Accumulation Time Limits
733.136	Employee Training

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733.137	Response to Releases
733.138	Off-Site Shipments
733.139	Tracking Universal Waste Shipments
733.140	Exports

## SUBPART D: STANDARDS FOR UNIVERSAL WASTE TRANSPORTERS

Section	
733.150	Applicability
733.151	Prohibitions
733.152	Waste Management
733.153	Accumulation Time Limits
733.154	Response to Releases
733.155	Off-site Shipments
733.156	Exports

## SUBPART E: STANDARDS FOR DESTINATION FACILITIES

Section	
733.160	Applicability
733.161	Off-Site Shipments
733.162	Tracking Universal Waste Shipments

## SUBPART F: IMPORT REQUIREMENTS

Section	
733.170	Imports

## SUBPART G: PETITIONS TO INCLUDE OTHER WASTES

Section	
733.180	General
733.181	Factors for Petitions to Include Other Wastes

AUTHORITY: Implementing Sections 7.2, 22.4 and 22.23a and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4, 22.23a, and 27].

SOURCE: Adopted in R95-20 at 20 Ill. Reg. 11291, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 944, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7650, effective April 15, 1998; amended in R99-15 at 23 ~~174~~ Ill. Reg. 9502, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. ~~174~~ effective June 20, 2000.

NOTE: In this part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets; and SUM means the summation series or sigma function as used in mathematics.

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## SUBPART A: GENERAL

## Section 733.101 Scope

- a) This Part establishes requirements for managing the following:
- 1) Batteries, as described in Section 733.102;
  - 2) Pesticides, as described in Section 733.103;
  - 3) Thermostats, as described in Section 733.104; and
  - 4) Lamps ~~Mercury-containing-lamps~~, as described in Section 733.105 733.107.
- ~~PARB-NOTES:--Subsection-(a)(4)-of-this-Section-was-added-pursuant to-Section-22-22a-of-the-Act--(45--168--5/28/23)---(see-P-A-98-5027-effective-August-19-1997)-~~
- b) This Part provides an alternative set of management standards in lieu of regulation under 35 Ill. Adm. Code 702 through 705, 720 through 726, and 728.
- (Source: Amended at 24 Ill. Reg. 9874 -- effective June 20, 2000)

## Section 733.102 Applicability--Batteries

- a) Batteries covered under this Part.
- 1) The requirements of this Part apply to persons managing batteries, as described in Section 733.109 733.106, except those listed in subsection (b) of this Section below.
  - 2) Spent lead-acid batteries that are not managed under 35 Ill. Adm. Code 726.Subpart G, are subject to management under this Part.
- b) Batteries not covered under this Part. The requirements of this Part do not apply to persons managing the following batteries:
- 1) Spent lead-acid batteries that are managed under 35 Ill. Adm. Code 726.Subpart G.
  - 2) Batteries, as described in Section 733.109 733.106, that are not yet wastes under 35 Ill. Adm. Code 721, including those that do not meet the criteria for waste generation in subsection (c) of this Section below.
  - 3) Batteries, as described in Section 733.109 733.106, that are not hazardous waste. A battery is a hazardous waste if it exhibits one or more of the characteristics identified in 35 Ill. Adm. Code 721.Subpart C.
- c) Generation of waste batteries.
- 1) A used battery becomes a waste on the date it is discarded (e.g., when sent for reclamation).
  - 2) An unused battery becomes a waste on the date the handler decides to discard it.
- (Source: Amended at 24 Ill. Reg. 9874 -- effective June 20, 2000)

## Section 733.103 Applicability--Pesticides

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- a) Pesticides covered under this Part. The requirements of this Part apply to persons managing pesticides, as described in Section 733.109 733.106, that meet the following conditions, except those listed in subsection (b) of this Section below:
- 1) Recalled pesticides:
    - A) Stocks of a suspended and canceled pesticide that are part of a voluntary or mandatory recall under Section 19(b) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA; 7 USC 654e--Section 136g), including, but not limited to those owned by the registrant responsible for conducting the recall; or
    - B) Stocks of a suspended or cancelled pesticide, or a pesticide that is not in compliance with FIFRA, that are part of a voluntary recall by the registrant.
  - 2) Stocks of other unused pesticide products that are collected and managed as part of a waste pesticide collection program.
- b) Pesticides not covered under this Part. The requirements of this Part do not apply to persons managing the following pesticides:
- 1) Recalled pesticides described in subsection (a)(1) of this Section above, and unused pesticide products described in subsection (a)(2) of this Section above, that are managed by farmers in compliance with 35 Ill. Adm. Code 722.170. (35 Ill. Adm. Code 722.170 addresses pesticides disposed of on the farmer's own farm in a manner consistent with the disposal instructions on the pesticide label, providing the container is triple rinsed in accordance with 35 Ill. Adm. Code 721.107(b)(3).);
  - 2) Pesticides not meeting the conditions set forth in subsection (a) of this Section above must be managed in compliance with the hazardous waste regulations in 35 Ill. Adm. Code 702 through 705, 720 through 726, and 728;
  - 3) Pesticides that are not wastes under 35 Ill. Adm. Code 721, including those that do not meet the criteria for waste generation in subsection (c) of this Section below or those that are not wastes as described in subsection (d) of this Section below; and
  - 4) Pesticides that are not hazardous waste. A pesticide is a hazardous waste if it is a waste (see subsection (b)(3) of this Section above) and either it is listed in 35 Ill. Adm. Code 721.Subpart D or it exhibits one or more of the characteristics identified in 35 Ill. Adm. Code 721.Subpart C.
- c) When a pesticide becomes a waste.
- 1) A recalled pesticide described in subsection (a)(1) of this Section above becomes a waste on the first date on which both of the following conditions apply:
    - A) The generator of the recalled pesticide agrees to participate in the recall; and
    - B) The person conducting the recall decides to discard (e.g.,



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burn the pesticide for energy recovery).

- 2) An unused pesticide product described in subsection (a)(2) of this Section above becomes a waste on the date the generator decides to discard it.

- d) Pesticides that are not wastes. The following pesticides are not wastes:

- 1) Recalled pesticides described in subsection (a)(1) of this Section above, provided that:

A) The person conducting the recall has not made a decision to discard the pesticide (e.g., burn it for energy recovery).

Until such a decision is made, the pesticide does not meet the definition of "solid waste" under 35 Ill. Adm. Code 721.102; thus the pesticide is not a hazardous waste and is not subject to hazardous waste requirements, including those of this Part. This pesticide remains subject to the requirements of FIFRA, or

B) The person conducting the recall has made a decision to use a management option that, under 35 Ill. Adm. Code 721.102, does not cause the pesticide to be a solid waste (i.e., the selected option is use (other than use constituting disposal) or reuse (other than burning for energy recovery) or reclamation). Such a pesticide is not a solid waste and therefore is not a hazardous waste, and is not subject to the hazardous waste requirements including this Part. This pesticide, including a recalled pesticide that is exported to a foreign destination for use or reuse, remains subject to the requirements of FIFRA.

- 2) Unused pesticide products described in subsection (a)(2) of this Section above, if the generator of the unused pesticide product has not decided to discard them (e.g., burn for energy recovery). These pesticides remain subject to the requirements of FIFRA.

(Source: Amended at 24 Ill. Reg. 9874 effective June 20, 2000)

## Section 733.104 Applicability--Mercury Thermostats

- a) Thermostats covered under this Part. The requirements of this Part apply to persons managing thermostats, as described in Section 733.109 733.106, except those listed in subsection (b) of this Section below.

- b) Thermostats not covered under this Part. The requirements of this Part do not apply to persons managing the following thermostats:

- 1) Thermostats that are not yet wastes under 35 Ill. Adm. Code 721. Subsection (c) of this Section below describes when thermostats become wastes.

- 2) Thermostats that are not hazardous waste. A thermostat is a hazardous waste if it is a waste (see subsection (b)(1) of this Section above) and it exhibits one or more of the characteristics identified in 35 Ill. Adm. Code 721.Subpart C.

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- c) Generation of waste thermostats.

- 1) A used thermostat becomes a waste on the date it is discarded (e.g., sent for reclamation).
- 2) An unused thermostat becomes a waste on the date the handler decides to discard it.

(Source: Amended at 24 Ill. Reg. 9874 effective June 20, 2000)

**Section 733.105 Applicability--Lamps** **Applicability--Household-----and Conditionally-Exempt-Geni-Quantity-Generator-Waste**

- a) Lamps covered under this Part. The requirements of this Part apply to persons that manage lamps, as described in Section 733.109, except those listed in subsection (b) of this Section.

- b) Lamps not covered under this Part. The requirements of this Part do not apply to persons that manage the following lamps:

- 1) Lamps that are not yet wastes under 35 Ill. Adm. Code 721, as provided in subsection (c) of this Section.

- 2) Lamps that are not hazardous waste. A lamp is a hazardous waste if it exhibits one or more of the characteristics identified in 35 Ill. Adm. Code 721.Subpart C.

- c) Generation of waste lamps.

- 1) A used lamp becomes a waste on the date it is discarded.
- 2) An unused lamp becomes a waste on the date the handler decides to discard it.

(Source: Former Section 733.105 renumbered to Section 733.108 and new Section 733.105 added at 24 Ill. Reg. 9874 effective June 20, 2000)

## Section 733.106 Definitions (Renumbered)

(Source: Section 733.106 renumbered to Section 733.109 at 24 Ill. Reg. 9874, effective June 20, 2000)

## Section 733.107 Applicability--Mercury-Containing Lamps (Repealed)

- a) Mercury-containing lamps covered under this Part. The requirements of this Part apply to persons managing mercury-containing lamps, except those listed in subsection (b) of this Section.

- b) Mercury-containing lamps not covered under this Part. The requirements of this Part do not apply to persons managing the following mercury-containing lamps:

- 1) Mercury-containing lamps that are not yet wastes under 35 Ill. Adm. Code 721, including those that do not meet the criteria for waste generation in subsection (c) of this Section.

- 2) Mercury-containing lamps that are not hazardous waste. A mercury-containing lamp is not a hazardous waste if it does not

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exhibit one or more of the characteristics identified in 35 Ill. Adm. Code 721. Subpart 6:

- c) Generation of waste-mercury-containing lamps:
  - 1) A used-mercury-containing lamp becomes a waste on the date the handler permanently removes it from its fixture;
  - 2) An unused-mercury-containing lamp becomes a waste on the date the handler decides to discard it.

BOARD-NOTE:--Section 733.107 was added pursuant to Section 22.23a of the Act (415-1b6S-5/22-23a) (see P.A. 90-5027, effective August 19, 1997).

(Source: Repealed at 24 Ill. Reg. 9874, effective June 20, 2000)

### Section 733.108 Applicability--Household and Conditionally Exempt Small Quantity Generator Waste

- a) A person that manages any of Persons managing the wastes listed below may, at its their option, manage the waste them under the requirements of this Part.
  - 1) Household wastes that are exempt under 35 Ill. Adm. Code 721.104(b)(1) and which are also of the same type as the universal wastes defined at Section 733.109 733.106; or that are
  - 2) Conditionally exempt small quantity generator wastes that are exempt under 35 Ill. Adm. Code 721.105 and are also of the same type as the universal wastes defined at Section 733.109 733.106.
- b) A person Persons that commingles commingle the wastes described in subsections (a)(1) and (a)(2) of this Section above together with universal waste regulated under this Part shall manage the commingled waste under the requirements of this Part.

(Source: Section 733.108, renumbered from Section 733.105 and amended at 24 Ill. Reg. 9874, effective June 20, 2000)

### Section 733.109 Definitions

"Battery" means a device consisting of one or more electrically connected electrochemical cells that which is designed to receive, store, and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode, and an electrolyte, plus such connections (electrical and mechanical) as may be needed to allow the cell to deliver or receive electrical energy. The term battery also includes an intact, unbroken battery from which the electrolyte has been removed.

"Destination facility" means a facility that treats, disposes of, or recycles a particular category of universal waste, except those management activities described in Sections 733.113(a) and (c) and 733.113(a) and (c). A facility at which a particular category of universal waste is only accumulated is not a destination facility for

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purposes of managing that category of universal waste.

"Electric lamp" means the bulb or tube portion of a lighting device specifically designed to produce radiant energy, most often in the ultraviolet, visible and infrared regions of the electromagnetic spectrum.

BOARD-NOTE:--The definition of "electric lamp" was added pursuant to Section 22.23a of the Act (415-1b6S-5/22-23a) (see P.A. 90-5027, effective August 19, 1997).

"FIFRA" means the Federal Insecticide, Fungicide, and Rodenticide Act (7 USC 136 through 136y).

"Generator" means any person, by site, whose act or process produces hazardous waste identified or listed in 35 Ill. Adm. Code 721 or whose act first causes a hazardous waste to become subject to regulation.

"Lamp" or "universal waste lamp" is defined as the bulb or tube portion of an electric lighting device. A lamp is specifically designed to produce radiant energy, most often in the ultraviolet, visible or infrared regions of the electromagnetic spectrum. Common examples of universal waste electric lamps include, but are not limited to, fluorescent, high intensity discharge, neon, mercury vapor, high pressure sodium, and metal halide lamps.

"Large quantity handler of universal waste" means a universal waste handler (as defined in this Section) that accumulates 5,000 kilograms or more total of universal waste (batteries, pesticides, thermostats, or mercury-containing lamps, calculated collectively) at any time. This designation as a large quantity handler of universal waste is retained through the end of the calendar year in which 5,000 kilograms or more total of universal waste is accumulated.

BOARD-NOTE:--Mercury-containing lamps were added pursuant to Section 22.23a of the Act (415-1b6S-5/22-23a) (see P.A. 90-5027, effective August 19, 1997).

"Mercury-containing lamp" means an electric lamp into which mercury is purposely introduced by the manufacturer for the operation of the lamp. Mercury-containing lamps include, but are not limited to, fluorescent lamps and high-intensity discharge lamps.

BOARD NOTE: The definition of "mercury-containing lamp" was added pursuant to Section 22.23a of the Act (415 ILCS 5/22.23a) (see P.A. 90-502, effective August 19, 1997).

"On-site" means the same or geographically contiguous property that may be divided by public or private right-of-way, provided that the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along the

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right of way. Non-contiguous properties, owned by the same person but connected by a right-of-way that that person controls and to which the public does not have access, are also considered on-site property.

"Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest or intended for use as a plant regulator, defoliant, or desiccant, other than any article that fulfills one of the following descriptions:

It is a new animal drug under Section 201(v) of the Federal Food, Drug and Cosmetic Act (FFDCA; 21 USC 321(v)), incorporated by reference in 35 Ill. Adm. Code Section 720.1117.

It is an animal drug that has been determined by regulation of the federal Secretary of Health and Human Services pursuant to FFDCA Section 360b(j), incorporated by reference in 35 Ill. Adm. Code Section 720.111, to be an exempted new animal drug, or

It is an animal feed under FFDCA Section 201(w) (21 USC 321(w)), incorporated by reference in 35 Ill. Adm. Code Section 720.111, that bears or contains any substances described in either of the two preceding paragraphs of this definition.

BOARD NOTE: The second exception of corresponding 40 CFR 273.6 reads as follows: "Is an animal drug that has been determined by regulation of the Secretary of Health and Human Services not to be a new animal drug". This is very similar to the language of Section 2(u) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIRA; 7 USC 136(u)). The three exceptions, taken together, appear intended not to include as "pesticide" any material within the scope of federal Food and Drug Administration regulation. The Board codified this provision with the intent of retaining the same meaning as its federal counterpart while adding the definiteness required under Illinois law.

"Small quantity handler of universal waste" means a universal waste handler (as defined in this Section) that does not accumulate 5,000 kilograms or more total of universal waste (batteries, pesticides, thermostats, or mercury-containing lamps, calculated collectively) at any time.

~~BOARD NOTE: Mercury-containing lamps were added pursuant to Section 22-23a of the Act (45-1568-5/22-23a) (see P.A. 98-582, effective August 19, 1997).~~

"Thermostat" means a temperature control device that contains metallic mercury in an ampule attached to a bimetal sensing element and mercury-containing ampules that have been removed from such a temperature control device in compliance with the requirements of

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Section 35-111-Adm-Code 733.113(c)(2) or 733.133(c)(2).

"Universal waste" means any of the following hazardous wastes that are subject to the universal waste requirements of this Part:

Batteries, as described in Section 733.102;

Pesticides, as described in Section 733.103;

Thermostats, as described in Section 733.104; and

~~Lamps Mercury-containing lamps, as described in Section 733.105 733.107.~~

~~BOARD NOTE: Mercury-containing lamps were added as universal waste pursuant to Section 22-23a of the Act (45-1568-5/22-23a) (see P.A. 98-582, effective August 19, 1997).~~

"Universal waste handler" means either of the following:

A generator (as defined in this Section) of universal waste; or

The owner or operator of a facility, including all contiguous property, that receives universal waste from other universal waste handlers, accumulates universal waste, and sends universal waste to another universal waste handler, to a destination facility, or to a foreign destination.

"Universal waste handler" does not mean:

A person that treats (except under the provisions of Section 733.113(a) or (c) or 733.133(a) or (c)), disposes of, or recycles universal waste; or

A person engaged in the off-site transportation of universal waste by air, rail, highway, or water, including a universal waste transfer facility.

"Universal waste transfer facility" means any transportation-related facility including loading docks, parking areas, storage areas, and other similar areas where shipments of universal waste are held during the normal course of transportation for ten days or less.

"Universal waste transporter" means a person engaged in the off-site transportation of universal waste by air, rail, highway, or water.

(Source: Section 733.109 renumbered from Section 733.106 and amended at 24 Ill. Reg. ~~9874~~ effective June 20, 2000)

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## SUBPART B: STANDARDS FOR SMALL QUANTITY HANDLERS

## Section 733.110 Applicability

This Subpart applies to small quantity handlers of universal waste (as defined in Section 733.109 #33-106).

(Source: Amended at 24 Ill. Reg. 9874 -, effective June 20, 2000)

## Section 733.113 Waste Management

a) Universal waste batteries. A small quantity handler of universal waste shall manage universal waste batteries in a manner way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

1) A small quantity handler of universal waste shall contain any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the battery, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

2) A small quantity handler of universal waste may conduct the following activities, as long as the casing of each individual battery cell is not breached and remains intact and closed (except that cells may be opened to remove electrolyte but must be immediately closed after removal):

- A) Sorting batteries by type;
  - B) Mixing battery types in one container;
  - C) Discharging batteries so as to remove the electric charge;
  - D) Regenerating used batteries;
  - E) Disassembling batteries or battery packs into individual batteries or cells;
  - F) Removing batteries from consumer products; or
  - G) Removing electrolyte from batteries.
- 3) A small quantity handler of universal waste that removes electrolyte from batteries, or that generates other solid waste (e.g., battery pack materials, discarded consumer products) as a result of the activities listed above, shall determine whether the electrolyte or other solid waste exhibits a characteristic of hazardous waste identified in 35 Ill. Adm. Code 721. Subpart C.
- A) If the electrolyte or other solid waste exhibits a characteristic of hazardous waste, it is subject to all applicable requirements of 35 Ill. Adm. Code 702 through 705, 720 through 726, and 728. The handler is considered the generator of the hazardous electrolyte or other waste and is subject to 35 Ill. Adm. Code 722.
- B) If the electrolyte or other solid waste is not hazardous,

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the handler may manage the waste in any way that is in compliance with applicable federal, State ~~state~~, or local solid (nonhazardous) waste regulations.

BOARD NOTE: See generally the Act and 35 Ill. Adm. Code 807 through 817 to determine whether additional facility siting, special waste, or nonhazardous waste regulations apply to the waste. Consult the ordinances of relevant units of local government to determine whether local requirements apply.

b) Universal waste pesticides. A small quantity handler of universal waste shall manage universal waste pesticides in a way that prevents releases of any universal waste or component of a universal waste to the environment. The universal waste pesticides must be contained in one or more of the following:

- 1) A container that remains closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;
- 2) A container that does not meet the requirements of subsection (b)(1) of this Section above, provided that the unacceptable container is overpacked in a container that does meet the requirements of subsection (b)(1);
- 3) A tank that meets the requirements of 35 Ill. Adm. Code 725. Subpart J, except for 35 Ill. Adm. Code 725.297(c), 265.300, and 265.301; or
- 4) A transport vehicle or vessel that is closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

c) Universal waste thermostats. A small quantity handler of universal waste shall manage universal waste thermostats in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

- 1) A small quantity handler of universal waste shall contain any universal waste thermostat that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the thermostat, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.
- 2) A small quantity handler of universal waste may remove mercury-containing ampules from universal waste thermostats provided the handler follows each of the following procedures:
  - A) It removes the ampules in a manner designed to prevent breakage of the ampules;
  - B) It removes ampules only over or in a containment device (e.g., tray or pan sufficient to collect and contain any



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- mercury released from an ampule in case of breakage);
- C) It ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules, from the containment device to a container that meets the requirements of 35 Ill. Adm. Code 722.134;
- D) It immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of 35 Ill. Adm. Code 722.134;
- E) It ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;
- F) It ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers;
- G) It stores removed ampules in closed, non-leaking containers that are in good condition; and
- H) It packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation.
- 3) Required hazardous waste determination and further waste management.
- A) A small quantity handler of universal waste that removes mercury-containing ampules from thermostats shall determine whether the following exhibit a characteristic of hazardous waste identified in 35 Ill. Adm. Code 721 Subpart C:
- i) Mercury or clean-up residues resulting from spills or leaks; or
  - ii) Other solid waste generated as a result of the removal of mercury-containing ampules (e.g., remaining thermostat units).
- B) If the mercury, residues, or other solid waste exhibits a characteristic of hazardous waste, it must be managed in compliance with all applicable requirements of 35 Ill. Adm. Code 702 through 705, 720 through 726, and 728. The handler is considered the generator of the mercury, residues, or other waste and shall manage it as is subject to 35 Ill. Adm. Code 722.
- C) If the mercury, residues, or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable Federal, State, or local solid (nonhazardous) waste regulations.
- BOARD NOTE: See generally the Act and 35 Ill. Adm. Code 807 through 817 to determine whether additional facility siting, special waste, or nonhazardous waste regulations apply to the waste. Consult the ordinances of relevant units of

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- local government to determine whether local requirements apply.
- d) Lamps Universal waste--mercury-containing--lamps. A small quantity handler of universal waste shall manage universal waste--mercury-containing lamps in a manner that prevents releases of any universal waste or component of a universal waste to the environment, as follows:
- 1) A small quantity handler of universal waste mercury-containing lamps shall contain all lamps in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. 7-24-e11-times
  - A) Contain-unbroken--lamps--in--packaging--that--will--minimize breakage--during--normal--handling--conditions; and
  - B) Contain-broken--lamps--in--packaging--that--will--prevent--releases of--lamp--fragments--and--residues.
  - 2) A small quantity handler of universal waste mercury-containing lamps shall immediately clean up and place in a container any lamp that is broken, and the small quantity handler shall place in a container any lamp that shows evidence of breakage, leakage, or damage that could cause the release of mercury or other hazardous constituents to the environment. Any container used must be closed, structurally sound, compatible with the contents of the lamps, and must lack evidence of leakage, spillage, or damage that could cause leakage or releases of mercury or other hazardous constituents to the environment under reasonably foreseeable conditions. 7-24-e11-times--manage--waste--lamps--in--a--manner--designed--to--minimize--lamp--breakage
  - 3) A small quantity handler of universal waste mercury-containing lamps shall immediately contain all releases of--lamp--fragments and--residues--from--broken--lamps
  - 4) A small quantity handler of--universal--wastes--shall--undertake hazardous--waste--determination--and--further--waste--management--as follows:
    - A) A small--quantity--handler--of--universal--waste--mercury-containing--lamps--shall--determine--whether--the following--exhibit--a--characteristic--of--hazardous--waste identified--in--35--Ill--Adm--Code--721-Subpart-C:
      - i) Any materials--resulting--from--a--release
      - ii) Clean-up--residues--from--spills--or--breakage--or
      - iii) Other--solid--waste--generated--as--a--result--of--handling waste--lamps
    - B) If--the--material--residue--or--other--solid--waste--exhibits--a characteristic--of--hazardous--waste--it--shall--be--managed--in compliance--with--all--applicable--requirements--of--35--Ill--Adm--Code--702-through--705--720-through--726--and--728--The--handler



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is considered to be the generator of the material; residue, or other hazardous waste and shall manage it in accordance with 35-1111-Adm-Code-722:

- e) if the material is residue or other solid waste is not hazardous, the handler may manage the waste in any manner that is in compliance with applicable Federal, State, or local solid incineration, waste regulations.

3) f) Small quantity handlers of mercury containing universal waste lamps may treat mercury containing lamps for volume reduction at the site where they were generated under the following conditions:

- A) The lamps must be crushed in a closed system designed and operated in such a manner that any emission of mercury from the crushing system shall not exceed 0.1 mg/m(3) when measured on the basis of time weighted average over an 8-hour period;

B) The handler must provide notification of crushing activity to the Agency quarterly, in a form as provided by the Agency. Such notification must include the following information:

- i) Name and address of the handler;
  - ii) Estimated monthly amount of lamps crushed; and
  - iii) The technology employed for crushing, including any certification or testing data provided by the manufacturer of the crushing unit, verifying that the crushing device achieves the emission controls required in subsection (d)(5)(A) of this Section;
- C) The handler immediately transfers any material recovered from a spill or leak to a container that meets the requirements of 40 CFR 262.34, and has available equipment necessary to comply with this requirement;

D) The handler ensures that the area in which the lamps are crushed is well-ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;

E) The handler ensures that employees crushing lamps are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers; and

F) The crushed lamps are stored in closed, non-leaking containers that are in good condition (e.g., no severe rusting, apparent structural defects or deterioration), suitable to prevent releases during storage, handling and transportation.

BOARD NOTE: Subsection (d) of this Section was added pursuant to Section 22.23a of the Act [415 ILCS 5/22.23a] (see PR-98-589; effective August 19, 1997).

(Source: Amended at 24 Ill. Reg. 9874, effective June 20, 2000)

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## Section 733.114 Labeling and Marking

A small quantity handler of universal waste shall label or mark the universal waste to identify the type of universal waste as follows:

- a) Universal waste batteries (i.e., each battery) or a container in which the batteries are contained must be labeled or marked clearly with any one of the following phrases: "Universal Waste-Batteries", "Universal Waste-Batteries", "Waste Batteries", "Waste-Batteries", or "Used Batteries";

b) A container (or multiple container package unit), tank, transport vehicle, or vessel in which recalled universal waste pesticides, as described in Section 733.103(a)(1), are contained must be labeled or marked clearly as follows:

- 1) The label that was on or accompanied the product as sold or distributed; and

2) The words "Universal Waste-Pesticides" or "Waste-Pesticides";

- c) A container, tank, or transport vehicle, or vessel in which unused pesticide products, as described in Section 733.103(a)(2), are contained must be labeled or marked clearly as follows:
- 1) Pesticide labeling;

A) The label that was on the product when purchased, if still legible;

B) If using the labels described in subsection (c)(1)(A) of this Section above is not feasible, the appropriate label as required under USDOF regulation 49 CFR 172; or

C) If using the labels described in subsections (c)(1)(A) and (c)(1)(B) of this Section above is not feasible, another label prescribed or designated by the waste pesticide collection program administered or recognized by a state;

2) The words "Universal Waste-Pesticides" or "Waste-Pesticides";

d) Universal waste thermostats (i.e., each thermostat) or a container in which the thermostats are contained must be labeled or marked clearly with any one of the following phrases: "Universal Waste-Mercury Thermostats", "Waste Mercury Thermostats", or "Used Mercury Thermostats";

e) Each lamp Universal waste-mercury-containing-lamps or a container or package in which such the lamps are contained must be labeled or clearly marked with any one of the following phrases: "Universal Waste Lamps", "Mercury-Containing-lamps", "Waste Lamps", "Mercury-Containing-lamps", or "Used Lamps";

BOARD NOTE: Subsection (e) of this Section was added pursuant to Section 22.23a of the Act [415 ILCS 5/22.23a] (see PR-98-589; effective August 19, 1997).

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(Source: Amended at 24 Ill. Reg. 98 7 4, effective June 20, 2000)

## SUPPORT C: STANDARDS FOR LARGE QUANTITY HANDLERS

## Section 733.130 Applicability

This Subpart applies to large quantity handlers of universal waste (as defined in Section 733.109 733.406).

(Source: Amended at 24 Ill. Reg. 98 7 4, effective June 20, 2000)

## Section 733.132 Notification

a) Written notification of universal waste management.

1) Except as provided in subsections (a)(2) and (a)(3) of this Section ~~below~~, a large quantity handler of universal waste shall have sent written notification of universal waste management to the Agency, and received a USEPA Identification Number, before meeting or exceeding the 5,000 kilogram storage limit.

2) A large quantity handler of universal waste that has already notified USEPA or the Agency of its hazardous waste management activities and has received a USEPA Identification Number is not required to renotify under this Section.

3) A large quantity handler of universal waste that manages recalled universal waste pesticides, as described in Section 733.103(a)(1), and that has sent notification to USEPA or the Agency, as required by 40 CFR 165, is not required to notify for those recalled universal waste pesticides under this Section.

b) This notification must include:

1) The universal waste handler's name and mailing address;  
 2) The name and business telephone number of the person at the universal waste handler's site who should be contacted regarding universal waste management activities;  
 3) The address or physical location of the universal waste management activities;

4) A list of all of the types of universal waste managed by the handler (e.g., batteries, pesticides, thermostats, ~~or~~ and ~~mercury-containing lamps~~); and

5) A statement indicating that the handler is accumulating more than 5,000 kilograms of universal waste at one time and the types of universal waste (e.g., batteries, pesticides, thermostats, ~~or mercury-containing lamps~~) the handler is accumulating above this quantity.

BOARD NOTE: At 60 Fed. Reg. 25520-21 (May 11, 1995), USEPA explained the generator or consolidation point may use USEPA Form 8700-12 for notification. (To obtain USEPA Form 8700-12 call the Agency at 217-782-6761.) USEPA further explained that it is not necessary for the handler to aggregate the amounts of waste at

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multiple non-contiguous sites for the purposes of the 5,000 kilogram determination. ~~Mercury-containing lamps were added as universal waste pursuant to Section 23.23a of the Act (415 ILCS 5/23.23a) (see P.A. 98-502, effective August 19, 1997).~~

(Source: Amended at 24 Ill. Reg. 98 7 4, effective June 20, 2000)

## Section 733.133 Waste Management

a) Universal waste batteries. A large quantity handler of universal waste shall manage universal waste batteries in a manner ~~way~~ that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

1) A large quantity handler of universal waste shall contain any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the battery, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

2) A large quantity handler of universal waste may conduct the following activities, as long as the casing of each individual battery cell is not breached and remains intact and closed (except that cells may be opened to remove electrolyte but must be immediately closed after removal):

A) Sorting batteries by type;  
 B) Mixing battery types in one container;  
 C) Discharging batteries so as to remove the electric charge;  
 D) Regenerating used batteries;  
 E) Disassembling batteries or battery packs into individual batteries or cells;  
 F) Removing batteries from consumer products; or  
 G) Removing electrolyte from batteries.

3) A large quantity handler of universal waste that removes electrolyte from batteries or that generates other solid waste (e.g., battery pack materials, discarded consumer products) as a result of the activities listed above shall determine whether the electrolyte or other solid waste exhibits a characteristic of hazardous waste identified in 35 Ill. Adm. Code 721-Subpart C. A) If the electrolyte or other solid waste exhibits a characteristic of hazardous waste, it must be managed in compliance with all applicable requirements of 35 Ill. Adm. Code 702 through 705, 720 through 726, and 728. The handler is considered the generator of the hazardous electrolyte or other waste and is subject to 35 Ill. Adm. Code 722.

B) If the electrolyte or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, State, state or local

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solid (nonhazardous) waste regulations.

BOARD NOTE: See generally the Act and 35 Ill. Adm. Code 807 through 817 to determine whether additional facility siting, special waste, or nonhazardous waste regulations apply to the waste. Consult the ordinances of relevant units of local government to determine whether local requirements apply.

b) Universal waste pesticides. A large quantity handler of universal waste shall manage universal waste pesticides in a manner way that prevents releases of any universal waste or component of a universal waste to the environment. The universal waste pesticides must be contained in one or more of the following:

1) A container that remains closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

2) A container that does not meet the requirements of subsection (b)(1) of this Section above, provided that the unacceptable container is overpacked in a container that does meet the requirements of subsection (b)(1);

3) A tank that meets the requirements of 35 Ill. Adm. Code 725-Subpart J, except for 35 Ill. Adm. Code 725-297(c), 725-300, and 725-301; or

4) A transport vehicle or vessel that is closed, structurally sound, and compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

c) Universal waste thermostats. A large quantity handler of universal waste shall manage universal waste thermostats in a manner way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

1) A large quantity handler of universal waste shall contain any universal waste thermostat that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the thermostat, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

2) A large quantity handler of universal waste may remove mercury-containing ampules from universal waste thermostats provided the handler follows each of the following procedures:

A) It removes the ampules in a manner designed to prevent breakage of the ampules;

B) It removes ampules only over or in a containment device (e.g., tray or pan sufficient to collect and contain any mercury released from an ampule in case of breakage);

C) It ensures that a mercury clean-up system is readily

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available to immediately transfer any mercury resulting from spills or leaks from broken ampules, from the containment device to a container that meets the requirements of 35 Ill. Adm. Code 722.134;

D) It immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of 35 Ill. Adm. Code 722.134;

E) It ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA exposure levels of mercury;

F) It ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers;

G) It stores removed ampules in closed, non-leaking containers that are in good condition; and

H) It packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation.

3) Required hazardous waste determination and further waste management.

A) A large quantity handler of universal waste that removes mercury-containing ampules from thermostats shall determine whether the following exhibit a characteristic of hazardous waste identified in 35 Ill. Adm. Code 721-Subpart C:

i) Mercury or clean-up residues resulting from spills or leaks; or

ii) Other solid waste generated as a result of the removal of mercury-containing ampules (e.g., remaining thermostat units).

B) If the mercury, residues, or other solid waste exhibits a characteristic of hazardous waste, it must be managed in compliance with all applicable requirements of 35 Ill. Adm. Code 702 through 705, 720 through 726 and 728. The handler is considered the generator of the mercury, residues, or other waste and is subject to 35 Ill. Adm. Code 722.

C) If the mercury, residues, or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, State ~~state~~ or local solid (nonhazardous) waste regulations.

BOARD NOTE: See generally the Act and 35 Ill. Adm. Code 807 through 817 to determine whether additional facility siting, special waste, or nonhazardous waste regulations apply to the waste. Consult the ordinances of relevant units of local government to determine whether local requirements apply.

d) Lamps, Universal waste-mercury-containing--lanper. A large quantity

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handler of universal waste shall manage universal waste mercury-containing lamps in a manner that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

- 1) A large quantity handler of universal waste mercury-containing lamps shall contain all lamps in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. 7-at-all-times.

A) Contain-unbroken-lamps-in-packaging-that-will-minimize breakage-during-normal-handling-conditions-and  
B) Contain-broken-lamps-in-packaging-that-will-prevent-releases-of-lamp-fragments-and-residues.

- 2) A large quantity handler of universal waste mercury-containing lamps shall immediately clean up and place in a container any lamp that is broken, and the large quantity handler shall place in a container any lamp that shows evidence of breakage, leakage, or damage that could cause the release of mercury or other hazardous constituents to the environment. Any container used must be closed, structurally sound, compatible with the contents of the lamps, and must lack evidence of leakage, spillage, or damage that could cause leakage or releases of mercury or other hazardous constituents to the environment under reasonably foreseeable conditions. 7-at-all-times; manage-waste-lamps-in-a manner-designed-to-minimize-lamp-breakage.

3) A-large-quantity-handler-of-universal-waste-mercury-containing-lamps-shall-immediately-contain-all-releases-of-lamp-fragments-and-residues-from-broken-lamps.

4) A-large-quantity-handler-of-universal-waste-shall-undertake-a hazardous-waste-determination-and-further-waste-management-as follows:

A) A-large-quantity-handler-of-universal-waste mercury-containing-lamps-shall-determine-whether-the following-exhibit-a-characteristic-of-hazardous-waste identified-in-35-iii-Adm-Code-721-Subpart-C:

- 1) Any-materials-resulting-from-a-releaser;
- 2) Clean-up-residues-from-spills-or-breakage; or
- 3) Other-solid-waste-generated-as-a-result-of-handling waste-lamps.

B) If-the-material-is-residue-or-other-solid-waste-exhibits-a characteristic-of-hazardous-waste-it-shall-be-managed-in compliance-with-all-applicable-requirements-of-35-iii-Adm-Code-769-through-785; 720-through-726; and-728--the-handler-is-considered-to-be-the-generator-of-the-material--residue-or-other-hazardous-waste-and-shall-manage-it-in-accordance with-35-iii-Adm-Code-722.

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E) If-the-material-is-residue-or-other-solid-waste-is-not hazardous--the-handler-may-manage-the-waste-in-any-manner that-is-in-compliance-with-applicable-federal--State--or local-solid-(nonhazardous)-waste-regulations.

- 3) Large quantity handlers of mercury containing universal waste lamps may treat mercury containing lamps for volume reduction at the site where they were generated under the following conditions:

A) The lamps must be crushed in a closed system designed and operated in such a manner that any emission of mercury from the crushing system shall not exceed 0.1 mg/m(3) when measured on the basis of time weighted average over an 8-hour period;

B) The handler must provide notification of crushing activity to the Agency quarterly, in a form as provided by the Agency. Such notification must include the following information:

- i) Name and address of the handler;
- ii) Estimated monthly amount of lamps crushed; and
- iii) The technology employed for crushing, including any certification or testing data provided by the manufacturer of the crushing unit verifying that the crushing device achieves the emission controls required in subsection (d)(5)(A) of this Section;

C) The handler immediately transfers any material recovered from a spill or leak to a container that meets the requirements of 40 CFR 262.34, and has available equipment necessary to comply with this requirement;

D) The handler ensures that the area in which the lamps are crushed is well-ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;

E) The handler ensures that employees crushing lamps are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers; and

F) The crushed lamps are stored in closed, non-leaking containers that are in good condition (e.g., no severe rusting, apparent structural defects or deterioration) suitable to prevent releases during storage, handling and transportation.

BOARD NOTE: Subsection (d) of this Section was added pursuant to Section 22.23a of the Act (415 ILCS 5/22.23a) (see PA-98-5827 effective August-19-1997).

(Source: Amended at 24 Ill. Reg. 9874, effective June 20, 2000)



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A large quantity handler of universal waste shall label or mark the universal waste to identify the type of universal waste as follows:

- a) Universal waste batteries (i.e., each battery), or a container or tank in which the batteries are contained, must be labeled or marked clearly with any one of the following phrases: "Universal Waste Batteries-Batteries"; or "Waste Batteries-Batteries"; or "Used Batteries-Batteries";
- b) A container (or multiple container package unit), tank, transport vehicle or vessel in which recalled universal waste pesticides as described in Section 733.103(a)(1) are contained must be labeled or marked clearly as follows:
  - 1) The label that was on or accompanied the product as sold or distributed; and
  - 2) The words "Universal Waste Pesticides -Pesticides" or "Waste Pesticides-Pesticides";
- c) A container, tank, or transport vehicle or vessel in which unused pesticide products, as described in Section 733.103(a)(2), are contained must be labeled or marked clearly as follows:
  - 1) Pesticide labeling;
  - 2) The label that was on the product when purchased, if still legible;

- A) The label that was on the product when purchased, if still legible;
- B) If using the labels described in subsection (c)(1)(A) of this Section above is not feasible, the appropriate label as required under the USDOT regulation 49 CFR 172; or
- C) If using the labels described in subsections (c)(1)(A) and (c)(1)(B) of this Section above is not feasible, another label prescribed or designated by the pesticide collection program; and

- 2) The words "Universal Waste Pesticides -Pesticides" or "Waste Pesticides-Pesticides";
- d) Universal waste thermostats (i.e., each thermostat) or a container or tank in which the thermostats are contained must be labeled or marked clearly with any one of the following phrases: "Universal Waste-Mercury Thermostats", or "Waste Mercury Thermostats", or "Used Mercury Thermostats"; and

- e) Each lamp universal waste-mercury-containing-lamps or a container or package in which such the lamps are contained must be labeled or clearly marked with any one of the following phrases: "Universal Waste Lamps -Mercury-Containing-lamps", "Waste Lamps Mercury-Containing-lamps" or "Used Lamps Mercury-Containing-lamps".

BOARD-NRPS--Subsection-(e)--of--this--Section--was--added--pursuant--to--Section--22-23a--of--the--Act--(415--5/22/23a)--(see--P.A.--98-562--effective--August-19-1997)

(Source: Amended at 24 Ill. Reg. 98 7 4 --, effective June 20, 2000)

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## SUBPART D: STANDARDS FOR UNIVERSAL WASTE TRANSPORTERS

## Section 733.150 Applicability

This Subpart applies to universal waste transporters (as defined in Section 733.109 733.106).

(Source: Amended at 24 Ill. Reg. 98 7 4 --, effective June 20, 2000)

## SUBPART E: STANDARDS FOR DESTINATION FACILITIES

## Section 733.160 Applicability

- a) The owner or operator of a destination facility (as defined in Section 733.109 733.106) is subject to all applicable requirements of 35 Ill. Adm. Code 702 through 705, 724 726 through 726, and 728, and the notification requirement under Section 3010 of RCRA.
- b) The owner or operator of a destination facility that recycles a particular universal waste without storing that universal waste before it is recycled shall comply with 35 Ill. Adm. Code 721.106(c)(2).

(Source: Amended at 24 Ill. Reg. 98 7 4 --, effective June 20, 2000)

## SUBPART G: PETITIONS TO INCLUDE OTHER WASTES

## Section 733.181 Factors for Petitions to Include Other Wastes

- a) Hazardous waste listing or characteristics. The waste or category of waste, as generated by a wide variety of generators, is listed in 35 Ill. Adm. Code 721-Subpart D, or (if not listed) a proportion of the waste stream exhibits one or more characteristics of hazardous waste identified in 35 Ill. Adm. Code 721-Subpart C. (When a characteristic waste is added to the universal waste regulations of this Part by using a generic name to identify the waste category (e.g., batteries), the definition of universal waste in 35 Ill. Adm. Code 720.110 and Section 733.109 733.106 will be amended to include only the hazardous waste portion of the waste category (e.g., hazardous waste batteries).) Thus, only the portion of the waste stream that does exhibit one or more characteristics (i.e., is hazardous waste) is subject to the universal regulations of this Part;
- b) Generation by a wide variety of types of facilities. The waste or category of waste is not exclusive to a specific industry or group of industries, is commonly generated by a wide variety of types of establishments (including, for example, households, retail and commercial businesses, office complexes, conditionally exempt small quantity generators, small businesses, or government organizations, as well as large industrial facilities);
- c) Generation by a large number of generators. The waste or category of



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- waste is generated by a large number of generators (e.g., more than 1,000 nationally) and is frequently generated in relatively small quantities by each generator;
- d) Collection systems to ensure close stewardship. Systems to be used for collecting the waste or category of waste (including packaging, marking, and labeling practices) would ensure close stewardship of the waste;
- e) Waste management standards and risk to human health and the environment. The risk posed by the waste or category of waste during accumulation and transport is relatively low compared to other hazardous wastes, and specific management standards proposed or referenced by the petitioner (e.g., waste management requirements appropriate to be added to Sections 733.113, 733.133, and 733.152) or applicable USDOR requirements) would be protective of human health and the environment during accumulation and transport;
- f) Increased likelihood of diversion of waste from non-hazardous waste management systems. Regulation of the waste or category of waste under this Part will increase the likelihood that the waste will be diverted from non-hazardous waste management systems (e.g., the municipal waste stream, non-hazardous industrial or commercial waste stream, municipal sewer or stormwater systems) to recycling, treatment, or disposal in compliance with Subtitle C of RCRA;
- g) Improved implementation of the hazardous waste program. Regulation of the waste or category of waste under this Part will improve implementation of and compliance with the hazardous waste regulatory program; or
- h) Such other factors as may be appropriate.

(Source: Amended at 24 Ill. Reg. 9874 - 7 effective June 20, 2000)

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Cigarette Tax Act
- 2) Code Citation: 86 Ill. Adm. Code 440
- 3) Section Numbers: Adopted Action:  
440.10 Amendment  
440.20 Amendment
- 4) Statutory Authority: 35 ILCS 130
- 5) Effective Date of Amendments: June 23, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: February 25, 2000, 24 Ill. Reg. 3096
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: P.A. 90-548 amended provisions of the Cigarette Tax Act to raise the tax rates to provide increases for education funding. The regulations also reflect, for historical purposes, earlier rate changes that occurred in 1993.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Jeri Gorden  
Senior Counsel - Sales and Excise Tax  
Illinois Department of Revenue

DEPARTMENT OF REVENUE  
NOTICE OF ADOPTED AMENDMENTS

Legal Services Office  
101 West Jefferson  
Springfield, Illinois 62794  
(217) 782-6996

The full text of the adopted amendment begins on the next page:

DEPARTMENT OF REVENUE  
NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE  
CHAPTER I: DEPARTMENT OF REVENUE

PART 440  
CIGARETTE TAX ACT

Section	Nature and Rate of Tax
440.10	Tax--How Paid
440.20	Tax--Who Liable For
440.30	Design
440.40	
440.50	Tax Stamps--When and By Whom Affixed: License or Permit Required
440.60	Tax Stamps--How Affixed
440.70	Tax Stamps--Affixed Out of State
440.80	Transporter Permits
440.90	Tax Stamps--Purchase of: Cost: Discount
440.100	Returns Required: When Filled
440.110	Books and Records: Examination
440.120	Unused Stamps and Meter Units: Sale of: Notice to Department
440.130	Mutilated Stamps
440.140	Tax Meters (Repealed)
440.150	Tax Meter Machine Settings (Repealed)
440.160	Vending Machines
440.170	Sales Out of Illinois
440.180	Sales to Governmental Bodies
440.190	Sample Packages of Cigarettes: Stamps or Other Evidence of Tax Payment Affixed
440.200	Claim for Replacement
440.210	Sale of Forfeited Cigarettes and Vending Machines
440.220	Tax-Free Sales of Cigarettes for Use Aboard Ships Operating in Foreign Commerce Outside The Continental Limits of the United States
440.230	Claims for Credit or Refund

AUTHORITY: Implementing and authorized by the Cigarette Tax Act [35 ILCS 130].

SOURCE: Filed and effective June 17, 1958; amended at 6 Ill. Reg. 2831 and 2834, effective March 3, 1982; codified at 8 Ill. Reg. 17912; amended at 13 Ill. Reg. 10678, effective June 16, 1989; amended at 14 Ill. Reg. 6794, effective April 19, 1990; amended at 15 Ill. Reg. 117, effective December 24, 1990; emergency amendment at 23 Ill. Reg. 9541, effective July 29, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 14748, effective December 8, 1999; amended at 24 Ill. Reg. 9903, effective JUN 23 2000.

Section 440.10 Nature and Rate of Tax

- a) The cigarette tax is imposed upon any person who exercises the privilege of engaging in business as a retailer of cigarettes in this State, and is at the rate of 5-1/2 mills per cigarette sold or

## DEPARTMENT OF REVENUE

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otherwise disposed of in the course of such business in this State. The proceeds from this tax are paid into the General Revenue Fund of the State Treasury.

- b) ~~1997--Ch-329--Percs-4531-et-seq-7~~ (the Act), imposes a tax upon any person engaged in business as a retailer of cigarettes in this State at the rate of 1/2 mill per cigarette sold or otherwise disposed of in the course of such business in this State on and after January 1, 1947, and shall be paid into the Service Recognition Bond, Interest and Retirement Fund until that Fund contains sufficient money to retire all bonds payable from that Fund. Thereafter, the proceeds from the 1/2 mill tax are to be paid into the Fair and Exposition Authority Reconstruction Fund.

- c) *Effective December 1, 1985, in addition to any other taxes imposed by the Act, a tax is imposed upon any person engaged in business as a retailer of cigarettes in this State at a rate of 4 mills per cigarette sold or otherwise disposed of in the course of such business in this State. Of this additional tax, \$9,000,000-00 of the moneys received under the Act shall be paid each month into the Common School Fund. (Section 2(a)2a of the Act)*

- d) *Effective July 2, 1989, in addition to any other tax imposed by this Act, a tax is imposed upon any person engaged in business as a retailer of cigarettes at the rate of 5 mills per cigarette sold or otherwise disposed of in the course of such business in this State (Section 2(a)2a of the Act).*

- e) *Effective July 14, 1993, in addition to any other tax imposed by this Act, a tax is imposed upon any person engaged in business as a retailer of cigarettes at the rate of 7 mills per cigarette sold or otherwise disposed of in the course of such business in this State (Section 2(a) of the Act).*

- f) *Effective December 15, 1997, in addition to any other tax imposed by this Act, a tax is imposed upon any person engaged in business as a retailer of cigarettes at the rate of 7 mills per cigarette sold or otherwise disposed of in the course of such business in this State (Section 2(a) of the Act). All of the moneys received from this additional tax shall be paid into the Common School Fund.*

- g) ~~et~~ the total of these rates is 23 1/2 mills per cigarette; or ~~56¢ 30¢~~ on a package of 20 cigarettes.

- h) ~~et~~ The impact of these taxes is declared by the Cigarette Tax Act to be imposed upon the retailer, with the taxes being required to be prepaid or pre-collected by the distributor for the purpose of convenience and facility only, and the amount of the tax shall be added to the price of the cigarettes sold by such distributor. Collection of the tax shall be evidenced by a stamp or stamps affixed to each original package of cigarettes, as provided in the Act and in this part.

- i) ~~et~~ It shall be the duty of each distributor to collect the tax from the retailer at or before the time of the sale, to affix the required stamps and to remit the tax collected from retailers to the

## DEPARTMENT OF REVENUE

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Department of Revenue (Department). Any distributor who shall fail to properly collect and pay the tax imposed by the Act shall be liable for the tax.

- j) ~~et~~ The amount of the cigarette tax imposed by the Act shall be separately stated, apart from the price of the goods, by both distributors and retailers, in all advertisements, bills and sales invoices.

- k) ~~et~~ The taxes so imposed are in addition to all other occupation or privilege taxes imposed by the State of Illinois, political subdivisions thereof or by any municipal corporation.

(Source: Amended at 24 Ill. Reg. 9903 effective 1/1/2000)

## Section 440.20 Tax--How Paid

- a) Except as provided in subsection (b) of this Section, payment of the tax imposed by the Act shall be evidenced by a stamp affixed to each "original package" of cigarettes, in a face amount equal to 29 1/2 mills for each cigarette contained in such package. Stamps are sold only to distributors by the Department at a discount (explained in more detail in Section 440.90 of this Part), when purchased according to law, in denominations evidencing payment of the tax on packages of 10, 20, 25 and 30 cigarettes. More than one stamp may be affixed to a single original package. For example, a 10 cigarette stamp and a 10 cigarette stamp may be affixed to a single original package of 20 cigarettes.

- b) Illinois cigarette manufacturers who place their cigarettes in original packages which are contained inside a sealed transparent wrapper, and similar out-of-State cigarette manufacturers who elect to qualify, and are accepted by the Department as distributors under Section 4b of the Act, shall pay the taxes imposed by the Act by remitting the amount thereof, less the discount explained in Section 440.90 of this Part, to the Department by the 5th day of each month covering cigarettes shipped or otherwise delivered in Illinois to purchasers during the preceding calendar month. Such manufacturers of cigarettes in original packages which are contained inside a sealed transparent wrapper, before delivering such cigarettes or causing such cigarettes to be delivered in this State to purchasers, shall evidence their obligation to remit the taxes due with respect to such cigarettes by imprinting language to be prescribed by the Department on each original package of such cigarettes underneath the sealed transparent outside wrapper of such original package, in such place thereon and in such manner as the Department may designate. Such imprinting language shall acknowledge the manufacturer's payment of or liability for the tax imposed by the Act with respect to the distribution of such cigarettes.

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(Source: Amended at 24 Ill. Reg. 99.03 effective 11/23/04)

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- 1) Heading of the Part: Cigarette Use Tax Act
- 2) Code Citation: 86 Ill. Adm. Code 450
- 3) Section Numbers: 450.10 Adopted Action: Amendment
- 4) Statutory Authority: 35 ILCS 135
- 5) Effective Date of Amendments: June 23, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: February 25, 2000, 24 Ill. Reg. 3102
- 10) Has JCAR issued a Statement of Objection to these Amendments? No
- 11) Differences between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect?  
No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: P.A. 90-548 amended provisions of the Cigarette Use Tax Act to raise the tax rates to provide increases for education funding.
- 16) Information and questions regarding this adopted amendment shall be directed to:  
Jeri Gorden  
Senior Counsel - Sales and Excise Tax  
Illinois Department of Revenue  
Legal Services Office  
101 West Jefferson  
Springfield, Illinois 62794 217/782-6996

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## NOTICE OF ADOPTED AMENDMENTS

The full text of the adopted amendment begins on the next page:

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## TITLE 86: REVENUE

## CHAPTER I: DEPARTMENT OF REVENUE

## PART 450

## CIGARETTE USE TAX ACT

Section	
450.10	Nature and Rate of Tax
450.20	Tax Stamps--Affixed Out of State
450.30	Licenses and Permits--Bonds
450.40	Reports and Returns
450.50	Books and Records
450.60	Unused Stamps and Meter .Units--Sale of--Notice to Department--Mutilated Stamps--Tax Meter Machine Settings
450.70	Cigarettes Used Outside Illinois
450.80	Purchase of Cigarettes by Governmental Bodies for Use
450.90	Claim for Replacement
450.100	Sample Packages of Cigarettes--Stamps or Other Evidence of Tax Collection Affixed
450.110	Sale of Forfeited Cigarettes and Vending Machines
450.120	Claims for Credit or Refund

AUTHORITY: Implementing and authorized by the Cigarette Use Tax Act [35 ILCS 135].

SOURCE: Filed and effective June 17, 1958; codified at 8 Ill. Reg. 13838; amended at 13 Ill. Reg. 10687, effective June 16, 1989; amended at 14 Ill. Reg. 6804, effective April 19, 1990; amended at 15 Ill. Reg. 122, effective December 24, 1990; amended by emergency rulemaking at 23 Ill. Reg. 9546, effective July 29, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 14753, effective December 8, 1999; amended at 24 Ill. Reg. 9909, effective JUN 23 2000.

## Section 450.10 Nature and Rate of Tax

- a) The Cigarette Use Tax is imposed upon the privilege of using cigarettes in this State, and the tax rate is 29½ mills per cigarette so used or 58 cents on a package of 20 cigarettes.
- b) The tax must be collected by a distributor maintaining a place of business in this State or a distributor authorized by Section 7 of the Act to hold a permit to collect such tax, and the amount of the tax shall be added to the price of the cigarettes sold by such distributor and must be stated on the invoice as a separate item from the selling price of the cigarettes except when the purchaser is a Federal or foreign government agency or instrumentality (see Section 450.50 of this Part).
- c) Distributors who are not subject to the Cigarette Tax Act [35 ILCS 130] (the Act), but who are subject to the Cigarette Use Tax Act [35



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ILCS 135), must remit to the Department of Revenue (the Department), the amount of Cigarette Use Tax to be collected by them through the purchase and affixation of tax stamps or meter impression units (where the use of meters is authorized by the Department) to any original package of cigarettes before delivering such cigarettes (or causing them to be delivered) in this State to any purchaser, or (in the case of manufacturers of cigarettes in original packages which are contained inside a sealed transparent wrapper) by imprinting the language to be prescribed by the Department on the original package of cigarettes beneath such outside wrapper.

- 1) On and after July 22, 1999, no stamp or imprint may be affixed to, or made upon, any package of cigarettes unless that package complies with all requirements of the federal Cigarette Labeling and Advertising Act, 15 USC 1331 and following, for the placement of labels, warnings, or any other information upon a package of cigarettes that is sold within the United States. Under the authority of Section 6 of the Cigarette Use Tax Act [35 ILCS 135], the Department shall revoke the license of any distributor that is determined to have violated this subsection (c)(1). A person may not affix a stamp on a package of cigarettes, cigarette papers, wrappers, or tubes if that individual package has been marked for export outside the United States with a label or notice in compliance with Section 290.185 of Title 27 of the Code of Federal Regulations. It is not a defense to a proceeding for violation of this subsection that the label or notice has been removed, mutilated, obliterated, or altered in any manner.
- 2) On and after August 15, 1999, packages of cigarettes, cigarette papers, wrappers, or tubes stamped or imprinted in a manner not in accordance with subsection (c)(1) and found in the possession of a distributor create a rebuttable presumption that the packages of cigarettes, cigarette papers, wrappers, or tubes were stamped or imprinted in violation of the Cigarette Use Tax Act.
- 3) On and after September 1, 1999, packages of cigarettes, cigarette papers, wrappers, or tubes stamped or imprinted in a manner not in accordance with subsection (c)(1) and found in the possession of a retailer create a rebuttable presumption that the packages of cigarettes, cigarette papers, wrappers, or tubes were stamped or imprinted by the distributor from whom they were obtained in violation of the Cigarette Use Tax Act.
- d) At the time of purchasing stamps from the Department or any person authorized by the Department, when purchase of the stamps is required by the Cigarette Use Tax Act or at the time when the tax which he has collected is remitted by a distributor to the Department without the purchase of stamps from the Department or any person authorized by the Department when that method of remitting the tax that has been collected is required or authorized by the Act, the distributor will be allowed a discount during any year commencing July 1 and ending the

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following June 30. The discount shall be equal to 1.75% of the amount of the tax payable under the Act up to and including the first \$3,000,000.00 paid by such distributor to the Department during any such year and 1.5% of the amount of any additional tax paid by such distributor to the Department during any such year.

- e) This discount is to cover the distributor's cost of collecting the tax.
- f) Two or more distributors that use a common means of affixing revenue tax stamps or that are owned or controlled by the same interests shall be treated as a single distributor for the purpose of computing the discount.
- g) On and after December 1, 1995, the Department shall allow a distributor 30 days in which to make final payment of the amount to be paid for such stamps, by allowing the distributor to make payment for the stamps at the time of purchasing them with a draft which shall be in such form as the Department prescribes (i.e. a standard bank draft in which the distributor may post-date), and which shall be payable within 30 days thereafter: provided that such distributor has filed with the Department, and has received the Department's approval of, a bond, which is in addition to the Bond required under Section 4 of the Act, payable to the Department in an amount equal to 100% of such distributor's average monthly tax liability under the Act during the preceding calendar year or \$750,000.00, whichever is less. The Bond shall be joint and several and shall be in the form of a surety company bond in such form as the Department prescribes, or it may be in the form of a bank certificate of deposit or bank letter of credit. The bond shall be conditioned upon the distributor's payment of the amount of any 30-day draft, which the Department accepts from that distributor for the delivery of stamps to that distributor under the Act. The distributor's failure to pay any such draft, when due, shall also make such distributor automatically liable to the Department for a penalty equal to 25% of the amount of such draft. Prior continuous compliance taxpayers, as defined in Section 1 of the Act, are exempt from the bond requirements noted above. (Section 3 of the Act) For additional information concerning the exemption, refer to Section 3 of the Act.
- h) The Cigarette Use Tax collected by a distributor who is liable to collect and remit a like amount of tax with respect to the same cigarettes under the Cigarette Use Tax Act need not be remitted to the Department under the Cigarette Use Tax Act. In other words, the amount which the distributor is liable to collect and remit under the Cigarette Use Tax Act with respect to particular cigarettes is offset against the amount collected from the purchaser by such distributor under the Cigarette Use Tax Act with respect to the same cigarettes. Sections 3 and 10 of the Cigarette Use Tax Act permit this offset in order to avoid the double remittance of tax to the State on the same transactions in the case of sales of cigarettes in Illinois.
- i) In those instances in which a distributor is required to affix tax

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stamps or meter impressions to original packages of cigarettes under the Cigarette Use Tax Act, rather than under the Cigarette Tax Act, the provisions of the Part relating to the Cigarette Tax Act (86 Ill. Adm. Code 440) shall apply and are incorporated herein by reference.

- j) Where cigarettes are acquired for use in this State without Illinois tax stamps being affixed to the original packages thereof and without authorized tax imprints placed underneath the sealed transparent wrapper of such original packages, the user is required to remit the amount of the Cigarette Use Tax directly to the Department. Such tax should be remitted to the Department by the user within 3 days after he acquires such cigarettes.

(Source: Amended at 24 Ill. Reg. 9909, effective  
JUN 23 2000)

## STATE BOARD OF EDUCATION

## NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Certification  
2) Code Citation: 23 Ill. Adm. Code 25  
3) Section Numbers: Emergency Action:  
25.11 Amendment  
25.450 New Section  
25.800 New Section  
25.805 New Section  
25.810 New Section  
25.815 New Section  
25.820 New Section  
25.825 New Section  
25.830 New Section  
25.832 New Section  
25.835 New Section  
25.840 New Section  
25.845 New Section  
25.848 New Section  
25.850 New Section  
25.855 New Section  
25.860 New Section  
26.865 New Section  
25.870 New Section  
25.875 New Section  
25.880 New Section  
25.885 New Section  
APPENDIX B Amendment

- 4) Statutory Authority: 105 ILCS 5/Art. 21 and 2-3.6

- 5) Effective Date of Amendments: June 21, 2000

- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A

- 7) Date Filed in Agency's Principal Office: June 20, 2000

- 8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Reason for Emergency: Due to the July 1 effective date for new standard and master certificates, many thousands of Illinois teachers are anxious to have these requirements formally stated just as soon as possible. This is the most serviceable way to enable them to plan for and engage in professional development that will satisfy the requirements of the law, because it will keep them from losing any of the valuable time that is

## STATE BOARD OF EDUCATION

## NOTICE OF EMERGENCY AMENDMENTS

available to them this summer.

- 10) A Complete Description of the Subjects and Issues Involved: The purpose of this set of amendments is to implement the requirement for continuing professional development first set forth in connection with the new system of certificates by P.A. 90-548 (House Bill 452 of 1997) and subsequently amplified by P.A. 91-102 (Senate Bill 556 of 1999).

- 11) Are there any proposed amendments to this Part pending? Yes. Identical amendments to these Sections, as well as some additional ones corresponding to legislative changes, are in progress. The public comment period has concluded. Notice has been provided to the Joint Committee with respect to that rulemaking.

Section Numbers	Proposed Action	Illinois Register Citation
25.11	Amendment	24 Ill. Reg. 4302
25.50	Repeal	24 Ill. Reg. 4302
25.65	Amendment	24 Ill. Reg. 4302
25.311	Amendment	24 Ill. Reg. 4302
25.322	Amendment	24 Ill. Reg. 4302
25.435	Repeal	24 Ill. Reg. 4302
25.442	Amendment	24 Ill. Reg. 4302
25.450	Amendment	24 Ill. Reg. 4302
25.455	Amendment	24 Ill. Reg. 4302
25.800	New Section	24 Ill. Reg. 4302
25.805	New Section	24 Ill. Reg. 4302
25.810	New Section	24 Ill. Reg. 4302
25.815	New Section	24 Ill. Reg. 4302
25.820	New Section	24 Ill. Reg. 4302
25.825	New Section	24 Ill. Reg. 4302
25.830	New Section	24 Ill. Reg. 4302
25.832	New Section	24 Ill. Reg. 4302
25.835	New Section	24 Ill. Reg. 4302
25.840	New Section	24 Ill. Reg. 4302
25.845	New Section	24 Ill. Reg. 4302
25.848	New Section	24 Ill. Reg. 4302
25.850	New Section	24 Ill. Reg. 4302
25.855	New Section	24 Ill. Reg. 4302
25.860	New Section	24 Ill. Reg. 4302
25.865	New Section	24 Ill. Reg. 4302
25.870	New Section	24 Ill. Reg. 4302
25.875	New Section	24 Ill. Reg. 4302
25.880	New Section	24 Ill. Reg. 4302
25.885	New Section	24 Ill. Reg. 4302
APPENDIX B	Amendment	24 Ill. Reg. 4302

- 12) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a state mandate.

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- 13) Information and questions regarding these amendments shall be directed to:

Dennis Williams  
Division of Certificate Renewal  
Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777  
(217) 557-8393

The full text of the Emergency Amendments begins on the next page:

## STATE BOARD OF EDUCATION

## NOTICE OF EMERGENCY AMENDMENTS

## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE A: EDUCATION

## CHAPTER I: STATE BOARD OF EDUCATION

## SUBCHAPTER b: PERSONNEL

## PART 25

## CERTIFICATION

## SUBPART A: DEFINITIONS

## Section

25.10 Definition of Terms Used in This Part

## SUBPART B: CERTIFICATES

## Section

25.11 New Certificates (February 15, 2000) (July 17-1999)

## EMERGENCY

25.15 Standards for Certain Certificates

25.20 Requirements for Initial Elementary Certificate

25.30 Requirements for Initial Secondary Certificate

25.35 Temporary Provisions for the Acquisition of Subsequent Standard Certificates

25.40 Requirements for Initial Special K-12 Certificate

25.43 Standards for Certification of Special Education Teachers

25.45 Standards for the Standard Special Certificate--Speech and Language Impaired

25.50 General Certificate

25.60 State Special Certificate, Grades 11-12, For Teaching Elective Subjects

25.65 Alternative Certification

25.67 Alternative Route to Teacher Certification

25.70 State Provisional Vocational Certificate

25.75 Part-time Provisional Certificates

25.80 Requirements for Initial Early Childhood Certificate

25.90 Transitional Bilingual Certificate and Examination

25.95 Majors, Minors, and Separate Fields for the Illinois High School Certificate

25.99 Endorsing Teaching Certificates

## SUBPART C: IMPROVING THE TEACHER EDUCATION PROGRAMS OF THE

## TEACHER EDUCATION INSTITUTIONS OF THE STATE OF ILLINOIS

## Section

25.110 System of Approval: Levels of Approval (Repealed)

25.115 Recognition of Institutions, Accreditation of Educational Units, and Approval of Programs

25.120 Standards and Criteria for Institutional Recognition and Program

## STATE BOARD OF EDUCATION

## NOTICE OF EMERGENCY AMENDMENTS

## Approval (Repealed)

25.125 Fifth-Year Review

25.130 Procedures for Initial Recognition as a Teacher Education Institution (Repealed)

25.135 Interim Provisions for Continuing Accreditation and Approval -- July 1, 2000, through June 30, 2003

25.137 Interim Provisions for Continuing Accreditation and Approval -- July 1, 1999, through June 30, 2000

25.140 Procedures for Approval of New or Modified Teacher Education Programs and Consortia (Repealed)

25.145 Approval of New Programs Within Recognized Institutions

25.150 The Periodic Review Process (Repealed)

25.155 Initial Recognition Procedures Effective July 1, 2000

25.160 Notification of Recommendations; Decisions by State Board of Education

25.165 Discontinuation of Programs

## SUBPART D: SCHOOL SERVICE PERSONNEL

Requirements for the Certification of School Social Workers

Requirements for the Certification of Guidance Personnel

Requirements for the Certification of School Psychologists

Standard for School Nurse Endorsement

## SUBPART E: REQUIREMENTS FOR THE CERTIFICATION OF

## ADMINISTRATIVE AND SUPERVISORY POSITIONS

Definitions (Repealed)

25.310 Administrative Certificate

25.313 Alternative Route to Administrative Certification

25.315 Renewal of Administrative Certificate

25.320 Application for Approval of Program (Repealed)

25.322 General Supervisory Endorsement

25.330 Standards and Guide for Approved Programs (Repealed)

25.333 General Administrative Endorsement

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AUTHORITY: Implementing Article 21 and Section 14C-8 and authorized by Section

2-3.6 of the School Code [105 ILCS 5/Art. 21, 14C-8, and 2-3.6].

SOURCE: Rules and Regulations to Govern the Certification of Teachers adopted September 15, 1977; amended at 4 Ill. Reg. 28, p. 336, effective July 16, 1982; amended at 7 Ill. Reg. 5429, effective April 11, 1983; codified at 8 Ill. Reg. 1441, amended at 9 Ill. Reg. 1046, effective January 16, 1985; amended at 10 Ill. Reg. 12578, effective July 8, 1986; amended at 10 Ill. Reg. 15044, effective August 28, 1986; amended at 11 Ill. Reg. 12670, effective July 15, 1987; amended at 12 Ill. Reg. 3709, effective February 1, 1988; amended at 12 Ill. Reg. 16022, effective September 23, 1988; amended at 14 Ill. Reg. 17936, effective October 18, 1990; amended at 15 Ill. Reg. 17048, effective November 13, 1991; amended at 16 Ill. Reg. 18789, effective November 23, 1992; amended at 19 Ill. Reg. 16826, effective December 11, 1995; amended at 21 Ill. Reg. 11536, effective August 1, 1997; emergency amendment at 22 Ill. Reg. 5097, effective February 27, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 11767, effective June 25, 1998; amended at 22 Ill. Reg. 19745, effective October 30, 1998; amended at 23 Ill. Reg. 2843, effective February 26, 1999; amended at 23 Ill. Reg. 7231, effective June 14, 1999; amended at 24 Ill. Reg. 7206, effective May 1, 2000; emergency amendment at 24 Ill. Reg. ~~9915~~ <sup>7206</sup>, effective June 21, 2000, for a maximum of 150 days.

## SUBPART B: CERTIFICATES

## Section 25.11 New Certificates [February 15, 2000] {July 17-1999}

## EMERGENCY

Section 21-2 of the School Code [105 ILCS 5/21-2] establishes a new system of teaching certificates effective February 15, 2000. July 17-1999. A complete list of the certificates that will be available as of that date is found in Appendix B to this Part. The transition to the new system will affect certified individuals and candidates for certification as set forth in this

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## Section.

a) Holders of certain current Illinois teaching certificates shall receive corresponding standard teaching certificates when they next renew any of their current certificates.

1) Certificates subject to exchange are listed in Appendix C to this Part.

2) No certificate-holder shall be penalized in the exchange of certificates. Each endorsement held by a certificate-holder prior to February 15, 2000 July 17-1999, shall be recorded on the appropriate certificate received pursuant to this subsection (a). Qualifications accepted for particular teaching assignments prior to February 15, 2000 July 17-1999, shall continue to be acceptable for those assignments.

b) Out-of-state candidates who qualify for Illinois teaching certificates pursuant to Section 25.425 of this Part and who pass the applicable examinations shall receive either initial or standard teaching certificates, and those who receive initial certificates shall be subject to the requirements of subsection subsections (d) and (e) of this Section in terms of their subsequent receipt of standard teaching certificates. For out-of-state candidates, the "applicable examinations" for a standard certificate shall include not only the relevant standard certification examination but also the examination required for the comparable initial certificate. An out-of-state applicant who does not qualify for an initial or standard certificate may qualify to receive a provisional certificate subject to the provisions of Section 21-10 of the School Code [105 ILCS 5/21-10].

1) Standard certificates will be issued to candidates who present evidence of at least four years of teaching experience on a valid certificate issued by a state, territory, or possession of the United States.

2) Initial certificates will be issued to qualified candidates with fewer than four years of teaching experience. A recipient of an initial certificate pursuant to this subsection (b)(2) shall be eligible to apply for a comparable standard certificate when he or she has accumulated a total of four years' teaching experience on a valid certificate, including the time credited outside Illinois.

3) Certificates will be endorsed according to the coursework presented and the examination(s) passed.

c) A candidate completing an approved Illinois teacher preparation program on or after February 15, 2000 July 17-1999, may qualify for an initial teaching certificate by passing the test of basic skills and the appropriate test(s) of subject matter knowledge required pursuant to Section 21-1a of the School Code [105 ILCS 5/21-1a] and Subpart I of this Part.

d) An individual who has completed four years of teaching after receiving an initial certificate may qualify for a comparable standard certificate by passing the relevant standard teaching certificate

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examination required by Section 21-2 of the School Code. Beginning July 1, 2003, this examination shall be designed to demonstrate whether candidates' induction to the profession of teaching has enhanced their performance with respect to the standards set forth in Section 25.15(a) of this Part, advanced their command of appropriate teaching practices and strategies, and contributed to the professional judgment required for designing educational experiences to meet the diverse needs of students.

- 1) All endorsements shall be carried forward from an initial to the comparable standard certificate.
- 2) A candidate who does not complete four years of teaching within twelve years after his or her initial certificate is issued may receive another initial certificate by taking and passing the initial certification examination required at that time and meeting all other requirements then in force for that certificate.
- 3) A candidate who has taught for four years on an initial certificate but fails the standard teaching certificate examination may retake the examination but may not receive another comparable initial teaching certificate. For example, a holder of an initial elementary certificate will not be eligible to receive another initial elementary certificate.
- 4) When an individual completes four years of teaching experience on an initial certificate, that certificate shall become invalid on the following June 30<sup>th</sup> except that, through June 30<sup>th</sup> 2003, individuals who are credited with accumulated teaching time on a certificate from another state may use their Illinois initial teaching certificates for up to four years of teaching in order to enable them to meet the requirements of subsection (e) of this Section.
- e) Through June 30<sup>th</sup> 2003, the standard teaching examination shall consist of an evaluation of each individual's professional development based upon the factors enumerated in this subsection (e):--A candidate shall be considered to have passed the standard teaching examination if--he or she accumulates 90 points by completing items from the following list, documented as indicated for the respective items:
  - 1) Completion of all required activities in pursuit of certification by National Board for Professional Teaching Standards (NBPTS) (99 points); document issued by NBPTS;
  - 2) Possession of master's degree or doctorate (99 points); official transcript showing the degree;
  - 3) Receipt of an additional endorsement or certificate including completion of all required coursework (99 points); endorsed certificate;
  - 4) Additional years of teaching experience (beyond four) in a school up to a maximum of 75 points; letter signed by chief administrator delineating length of employment and equivalence to

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- 5) Three semester hours of college coursework (beyond completion of the bachelor's degree) (25 points); with 25 additional points if related to a priority area identified by the State Board of Education; official transcript showing passing grade);
- 6) Supervision of student teachers or provision of mentoring services as part of a formal program or arrangement (20 points per semester; signed statement from chief administrator; National Board for Professional Teaching Standards; or State Superintendent of Education);
- 7) Participation in a formal structured induction or orientation program (90 points per semester; signed statement by chief administrator);
- 8) Service on school or district improvement team; curriculum development committee or other similar endeavor intended to improve instruction or students' achievement (40 points per semester; signed statement by chief administrator);
- 9) Sponsorship of a semester-long student activity or organization related to the field of teaching assignment (20 points per semester; signed statement by chief administrator);
- 10) Participation in a continuing professional development activity sponsored by an entity such as a school district, regional office of education, intermediate service center, or professional educational organization; or by the State Board of Education that is intended to improve instruction or students' achievement (15 points per activity; signed statement from sponsor affirming participation);
- f) A holder of a standard Illinois teaching certificate who has at least four years of teaching experience on a valid certificate may receive an additional standard certificate by passing the examinations required for both the comparable initial certificate and the standard teaching certificate and by meeting the other requirements for that certificate set forth in this Subpart B (see Sections 25.20, 25.30, 25.40, 25.43, 25.45 and/or 25.80 of this Part, as applicable).
- g) Four years of teaching experience means the equivalent of four years' full-time employment, i.e., four times 180 days of instruction consisting of no fewer than five clock-hours apiece, which may be accumulated in increments of less than full time.
- g)h) "Evidence of teaching experience" means a letter signed by the chief administrator or other designated official of the employing school district or nonpublic school documenting the nature and duration of the candidate's teaching. Experience gained while teaching in a home school shall not be applicable to the fulfillment of this requirement.
- h) For purposes of this Section, "valid certificate" means a certificate equivalent to an Illinois master, standard, initial, or provisional early childhood, elementary, secondary, or special certificate.
- i) Upon application, a holder of certification issued by the National Board for Professional Teaching Standards shall be issued a comparable

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Illinois master certificate as shown in Appendix D to this Part. Endorsements comparable to those held by the individual shall appear on the master certificate.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 9915, effective June 21, 2000, for a maximum of 150 days)

## SUBPART F: GENERAL PROVISIONS

Section 25.450 Lapsed CertificatesEMERGENCY

a) A lapsed certificate, one that has not been registered or renewed for a period of five ~~four~~ or more years since expiration of last registration, shall be reinstated for a one-year period upon payment of all accumulated registration fees.

b) The Regional Superintendent shall notify the holder of a reinstated certificate of:

1) The specific time of reinstatement, including beginning and ending dates.

2) The requirement that during the time of reinstatement, the certificate holder in order to renew the certificate at the end of reinstatement must:

A) Earn five semester hours of credit in a recognized institution of higher learning in the field of professional education or in courses related to the holder's contractual teaching duties, or

B) Present evidence of holding a valid regular Illinois certificate of some other type.

c) As a reinstated certificate is a reissued certificate, the expiration of all reinstated certificates shall be on June 30 following the date of reinstatement in accordance with Section 21-22 of the School Code.

d) The Regional Superintendent shall stamp the back of a lapsed certificate with the date of reinstatement.

e) Standard Certificates issued between July 1, 1929, and July 1, 1951, do not lapse.

f) When a lapsed certificate that was issued prior to February 15, 2000, has been reinstated and then is to be renewed pursuant to this Section, it shall be exchanged for a comparable standard teaching certificate in accordance with Section 25.11 and Appendix C of this Part. The certificate-holder shall thereupon become subject to the requirements of Sections 21-2 and 21-14 of the School Code and Subpart J of this Part regarding continuing professional development.

1) Subsequent renewals of such an individual's certificate(s) shall be contingent upon preparation of a continuing professional development plan that meets the requirements of Section 25.805 of this Part, completion of the activities set forth in that plan

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during the certificate's period of validity, and presentation of the required evidence of completion for each such activity.

2) College credit earned pursuant to subsection (b)(2)(A) of this Section shall not be used to satisfy any portion of the continuing professional development requirements of Section 21-14 of the School Code.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 9915, effective June 21, 2000, for a maximum of 150 days)

## SUBPART J: RENEWAL OF STANDARD AND MASTER CERTIFICATES

Section 25.800 Professional Development RequiredEMERGENCY

a) Pursuant to Section 21-2 of the School Code [105 ILCS 5/21-2], renewal of standard and master teaching certificates is contingent upon certificate-holders' presentation of proof of continuing education or professional development. For the purposes of this Subpart J, the terms "continuing education" and "professional development" shall be considered synonymous. The terms "certificate renewal plan," "plan for continuing professional development," "continuing professional development plan," and "plan" shall also be considered synonymous.

b) Except as provided in Section 25.880 of this Part, renewal of an individual's standard or master certificate(s) shall require the certificate-holder to:

1) preparation of an individual plan for continuing professional development that conforms to the requirements of Section 25.805 of this Part and submission of the plan for approval to the local professional development committee in accordance with Section 25.815 of this Part;

2) completion of the activities enumerated in the plan; and

3) presentation of the required form of evidence of completion for each such activity, as specified in Sections 25.865 and 25.875 of this Part.

c) A certificate-holder with multiple certificates shall develop a certificate renewal plan that addresses only that certificate or certificates that are required for his or her certified teaching position, if the certificate-holder is employed and performing services in an Illinois public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control, or that certificate or those certificates most closely related to his or her teaching position, if the certificate-holder is employed in a charter school [105 ILCS 5/21-14(e)(2)].

(Source: Added by emergency rulemaking at 24 Ill. Reg. 9915, effective June 21, 2000, for a maximum of 150 days)



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**Section 25.805 Requirements of the Plan  
EMERGENCY**

- a) The continuing professional development plan of each affected certificate-holder shall include at least three individual improvement goals reflecting the purposes enumerated in subsection (b) of this Section (Section 21-14(e)(2) of the School Code [105 ILCS 5/21-14(e)(2)]). Each goal shall include a brief statement of the knowledge and skill(s) to be enhanced, which shall reflect relevant professional teaching or content area standards set forth in this Part.
- b) Each continuing professional development plan shall include activities that:
  - 1) Advance the certificate-holder's knowledge and skills in his or her area(s) of certification, endorsement, or teaching assignment in relationship to the relevant standards set forth in this Part;
  - 2) Develop the certificate-holder's knowledge and skills in one or more areas identified by the State Board of Education as "State priorities" (see Section 25.810 of this Part); and
  - 3) Address the knowledge, skills, and goals that are relevant to the certificate-holder's local school improvement plan, if the individual is employed in a school that is required to have such a plan.
- c) A continuing professional development plan may also include activities that expand the certificate-holder's knowledge and skills in an additional teaching field or advance the individual toward acquisition of an additional teaching certificate, endorsement, or degree in the field of education.
- d) Completion of all required activities in pursuit of certification by the National Board for Professional Teaching Standards (NBPTS) may be used to fulfill 100% of the requirement for continuing professional development (Section 21-14(e)(3)(C) of the School Code [105 ILCS 5/21-14(e)(3)(C)]). The presence of an individual's name on the National Board's composite list of those who have completed the certification process (as distinct from having received certification) shall be considered evidence of completion.
- e) Eight semester hours of college coursework in an undergraduate or graduate-level program related to education may be used to fulfill 100% of the requirement for continuing professional development, provided that at least 2 semester hours are chosen to address the purpose described in subsection (b)(1) of this Section (Section 21-14(e)(3)(A) of the School Code [105 ILCS 5/21-14(e)(3)(A)]).
- f) Twenty-four continuing education units ("CEUs;" see Sections 25.865 and 25.870 of this Part) may be used to fulfill 100% of the requirement for continuing professional development, provided that:
  - 1) at least half of such units are earned in activities relevant to the purposes described in subsections (b)(1) and (2) of this Section;

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- 2) an identified portion of at least one activity addresses the purpose specified in subsection (b)(3) of this Section, unless the certificate-holder is not employed in or assigned to a school that is required to have a school improvement plan; and
- 3) any remaining units address the purpose specified in subsection (c) of this Section.
- g) Completion of 120 continuing professional development units ("CPDUs;" see Section 25.875 of this Part) may be used to fulfill 100% of the requirement, provided that:
  - 1) at least half of such units are earned in activities relevant to the purposes described in subsections (b)(1) and (2) of this Section;
  - 2) an identified portion of at least one activity addresses the purpose specified in subsection (b)(3) of this Section, unless the certificate-holder is not employed in or assigned to a school that is required to have a school improvement plan; and
  - 3) any remaining units address the purpose specified in subsection (c) of this Section.
- h) A certificate-holder may choose any combination of the types of activities described in subsections (e), (f), and (g) of this Section, provided that the total effort represents the equivalent of 120 CPDUs. Each CEU and the distribution of such units conforms to the requirements of subsection (g) of this Section. For purposes of calculating approvable combinations from different categories:
  - 1) one semester hour of college credit shall be considered the equivalent of 15 CPDUs or three CEUs; and
  - 2) one CEU shall be considered the equivalent of 5 CPDUs.
- i) The provisions of subsections (g) through (h) of this Section shall be subject to the proportionate reductions specified in Section 21-14 of the School Code with respect to part-time teaching and periods when certificates have been maintained valid and exempt. (See Section 25.860 of this Part.)
- j) Each plan shall be submitted on a form supplied by the State Board of Education and shall:
  - 1) identify the certificate-holder;
  - 2) list all certificates and endorsements held;
  - 3) indicate the period of validity;
  - 4) identify the certificate-holder's current position or assignment;
  - 5) identify the certificate-holder's improvement goals;
  - 6) list and briefly describe the certificate-holder's planned or potential activities or types of activities, relating each to the improvement goal(s) and purpose(s) it will fulfill; and
  - 7) provide a timeline that will ensure the completion of the plan during the certificate's period of validity.
- k) A given professional development activity may be attributed to all of the purposes enumerated in subsections (b) and (c) of this Section to which it relates. However, the units of credit awarded for a particular activity may be counted only once in calculating the total

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earned.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 9915, effective June 21, 2000, for a maximum of 150 days)

**Section 25.810 State Priorities****EMERGENCY**

The "State priorities" referred to in Section 25.805(b)(2) of this Part shall periodically be identified by the State Board of Education.

- a) No later than 60 days after the State Board votes to establish or change the list of such priorities, the agency shall so notify each school district superintendent, each regional superintendent of schools, and any organization that requests such notification. This notice shall include a list of the priorities and state the date upon which the list takes effect.
- b) A certificate-holder whose approved plan for professional development contains activities that address one or more of the State priorities may complete those activities and shall be allowed to count their completion toward fulfilling the requirements of this Subpart J, even if changes are made to the list of priorities during his or her certificate's period of validity.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 9915, effective June 21, 2000, for a maximum of 150 days)

**Section 25.815 Submission and Review of the Plan****EMERGENCY**

- a) Each certificate-holder who is or chooses to be subject to the requirements of this Subpart J shall prepare a plan for continuing professional development that conforms to the requirements of Section 25.805(f) of this Part. Each such certificate-holder shall submit his or her plan to the responsible local professional development committee no earlier than one semester before and no later than 120 days after the beginning of the period of validity of the certificate(s) held, or after the effective date of this Section, whichever is later. Submission and approval of this plan shall not entitle the certificate holder to earn credit for any coursework or activity described in the plan. Upon completion of the plan and application for renewal, as described in Section 25.830 of this Part, renewal of the holder's certificate shall be determined by the State Teacher Certification Board.

- 1) Each certificate-holder employed in a charter school established pursuant to Article 27A of the School Code [105 ILCS 5/Art. 27A] or in a position that legally requires a teaching certificate in any of the other types of public schools enumerated in Section 21-14(d) of the School Code [105 ILCS 5/21-14(d)], other than a

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State-operated school, shall submit his or her plan to the chair or designee of the local professional development committee ("LPDC") that is responsible for certificate developments of the relevant type. (See Section 25.845 of this Part.)

- 2) Each certificate-holder employed in a State-operated school shall submit his or her plan to the regional superintendent of the educational service region in which the teaching (as defined in Section 21-14 of the School Code) is done. Certificate-holders employed by regional offices of education to teach in regional safe schools operated pursuant to Article 13A of the School Code [105 ILCS 5/Art. 13A] shall be subject to this subsection (a)(2).
- 3) Each certificate-holder employed in a nonpublic school who wishes to maintain his or her certificate(s) as valid and active shall submit his or her plan to the regional superintendent of the educational service region in which the teaching is done.
- 4) Each certificate-holder not employed as a teacher who nevertheless wishes to maintain his or her certificate(s) as valid and active shall submit his or her plan to the regional superintendent responsible for the area in which he or she resides.
- 5) For the purposes of this Subpart J, the responsible regional superintendent shall be considered the LPDC of any individual referred to in subsections (2) through (4) of this subsection (a).
  - b) An LPDC shall respond, using a form supplied by the State Board of Education, within 60 days after receipt of an individual's plan as to whether that plan is approved or disapproved. In the case of disapproval, the LPDC's response shall include the specific reasons for its refusal to approve the plan. Failure of an LPDC to respond within the required time shall entitle the certificate-holder to appeal for approval to the regional professional development review committee as provided in subsection (e)(2) of this Section.
  - c) Grounds for an LPDC's refusal to approve a plan shall be limited to those enumerated in this subsection (c).
    - 1) Fewer than three personal goals for improvement are set forth in the plan.
    - 2) A proposed activity does not relate to any of the certificate-holder's goals for improvement.
    - 3) A proposed activity does not relate to one or more of the purposes identified for it by the certificate-holder.
    - 4) The proposed distribution of activities among the various purposes does not comply with the requirements of Section 21-14 of the School Code, or the proposed quantity of activities will not generate sufficient units of credit.
    - 5) The projected timeline for completion of the proposed activities will not permit their completion within the period of validity of the individual's certificate(s).
  - d) A certificate-holder may either await approval of his or her plan



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before engaging in the activities it contains or engage in activities while the plan is pending.

1) If a certificate-holder engages in a professional development activity while approval of his or her proposed plan is pending, that activity shall be credited toward fulfillment of the requirements of this Subpart J if it is covered in the plan that is eventually approved for that individual.

2) Except as provided in subsection (d)(3) of this Section, if an individual begins an activity without having either an approved plan in place or a proposed plan pending that covers that activity, or if the activity is not covered in the plan that is eventually approved for that individual, the activity shall not be credited toward fulfillment of the requirements of this Subpart J.

3) An individual who receives a standard or master teaching certificate that is valid beginning July 1, 2000, may receive credit for activities that occur before January 1, 2001, without having either an approved plan in place or a proposed plan pending, provided that any such activity is covered in the plan that is eventually approved for that individual.

4) In the semester before he or she will first receive a certificate whose renewal is subject to the requirements of this Subpart J, a certificate-holder shall be entitled to file a plan for continuing professional development with the LPDC that is responsible for certificates of the relevant type, so that the certificate-holder will be able to accrue credit for activities completed between the effective date of the standard certificate and the deadline for plan submission specified in subsection (a) of this Section.

e) Upon notification that his or her proposed plan has been disapproved, a certificate-holder may either:

1) modify the plan to remedy the deficiencies identified by the LPDC and resubmit it, or

2) appeal the plan's disapproval to the responsible regional professional development review committee ("RPDRC") established pursuant to Section 25.850 of this Part.

f) An RPDRC shall respond, using a form supplied by the State Board of Education, within 60 days after receipt of an appeal as to whether a proposed plan is approved or disapproved.

1) If the RPDRC disagrees with the LPDC, the plan shall be disapproved and the certificate-holder shall submit a revised plan to the responsible LPDC.

2) The RPDRC shall notify both the certificate-holder and the LPDC of its decision and the basis for it, using a form supplied by the State Board of Education.

g) Each certificate-holder's plan for continuing professional development and all other documents relating to it shall be considered part of the

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individual's certification file and shall not be used in the employer's evaluation of the certificate-holder. Each certificate-holder's file shall be stored separately from other employee and/or personnel files and shall be maintained by the LPDC. Access to those members of local and regional committees and other individuals who are responsible for reviewing them pursuant to this Subpart J. Each individual who has access to these documents and the information contained in them shall maintain the confidentiality of the documents and information at all times.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 0915-3 effective June 21, 2000, for a maximum of 150 days)

### Section 25.820 Review of Approved Plan EMERGENCY

a) A certificate-holder may submit proposed revisions to an approved plan to the responsible LPDC at any time.

b) A certificate-holder shall submit his or her approved plan to the responsible LPDC for review if he or she changes teaching assignments or districts. The LPDC shall review the plan and may indicate any changes that are needed for continued approval. A change in assignment occurs whenever:

1) a certificate-holder accepts employment in a different district;

2) a certificate-holder is assigned to teach at a different area or in a grade that is more than three grade levels removed from his or her previous position or for which a different certificate is required; or

3) a certificate-holder resumes teaching or otherwise elects to activate his or her certificate after a period during which the certificate has been maintained valid and exempt.

c) The provisions of Section 25.815 of this Part shall apply when continuing approval of a plan is sought after a change in assignment and when revisions to an approved plan are proposed.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 0915-3, effective June 21, 2000, for a maximum of 150 days)

### Section 25.825 Progress Toward Completion EMERGENCY

When a certificate-holder has completed any of the activities set forth in his or her approved plan, he or she may transmit a copy of the required evidence of completion to the responsible LPDC under cover of a form supplied by the State Board of Education. This form shall enable the certificate-holder to identify

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all the purposes among those enumerated in Section 25.805(b) and (c) of this Part to which each completed activity applies and the number of semester hours, CEUs, or CPDUs claimed.

a) The LPDC shall review the evidence of completion in the context of the certificate-holder's approved plan and shall notify the certificate-holder within 45 days whether the credits claimed have been awarded.

b) Grounds for an LPDC's refusal to award credits as claimed shall be limited to the LPDC's determination that:

- 1) the activity in question does not relate to any of the individual's goals for improvement;
  - 2) the activity does not relate to one or more of the purposes identified by the certificate-holder;
  - 3) the number of credits claimed by the certificate-holder does not conform to the applicable provisions of Section 25.875 of this Part;
  - 4) the activity was not conducted by an approved provider, if approval of the provider is required;
  - 5) the activity claimed does not conform to the applicable definition set forth in Section 25.875 of this Part; or
  - 6) the certificate-holder has not presented the evidence of completion required pursuant to Section 25.875 of this Part.
- c) If the LPDC determines that an activity qualifies for credit pursuant to this Subpart but does not relate to one or more purposes identified by the certificate-holder, the LPDC shall use a form supplied by the State Board of Education to inform the holder of the purpose(s) to which the credit claimed has been attributed and the rationale for its determination.

d) The LPDC shall note its determination in the record maintained by the committee pursuant to Section 21-14(f) of the School Code (105 ILCS 5/21-14(f)).

e) A disagreement between a certificate-holder and the responsible LPDC regarding the awarding of credit for completed activities may be appealed to the responsible RPDC.

- 1) If the RPDC disagrees with the LPDC's assignment of credit, the activity shall be credited as claimed by the certificate-holder.
- 2) If the RPDC agrees with the LPDC, the LPDC's decision regarding the awarding of credit shall stand (subject to the certificate-holder's right of appeal as delineated in Sections 25.835 and 25.840 of this Part).

3) The RPDC shall notify both the certificate-holder and the LPDC of its decision within 45 days after receipt of an appeal, using a form supplied by the State Board of Education.

f) Awarding of credit shall not entitle the certificate-holder to renewal of the certificate. Upon completion of the plan and application for renewal, as described in Section 25.830 of this Part, renewal of the holder's certificate shall be determined by the State Teacher Certification Board.

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g) Credit earned for any activity that is completed (or for which the certificate-holder receives evidence of completion) on or after March 1 of the final year of a certificate's validity, if not claimed with respect to that period of validity, may be carried over and claimed in the subsequent period of validity, provided that the activity in question satisfies the requirements of the plan applicable to that period.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 0015, effective June 21, 2000, for a maximum of 150 days)

**Section 25.830 Application for Renewal of Certificate(s)****EMERGENCY**

No sooner than September 1 and no later than March 1 of the final year of his or her certificate's period of validity, each certificate-holder shall submit to the responsible LPDC, on a form provided by the State Board of Education, a unified application for the renewal of his or her standard teaching certificate(s). (See Section 25.832 of this Part for additional provisions relating to master certificates.)

a) The application shall identify by certificate number all the certificates the person holds, including any certificate that was issued after the beginning of the period covered by the plan and is therefore not yet due to expire.

- 1) If the standard certificates that are due to expire are renewed, any more recently issued standard certificate shall be renewed at the same time, thereby establishing the same five-year period of validity for all the certificates held.

2) When a master certificate is renewed, any standard certificate(s) held by the same individual shall be renewed at the same time.

3) If the certificates that are due to expire are not renewed, the original period of validity of any more recently issued standard certificate shall continue to apply to that certificate only.

b) The application shall provide a summary of the professional development activities completed and the credit awarded or claimed for them.

c) The application may transmit the required evidence of completion for any activities not yet reviewed and acknowledged by the LPDC that are needed for the certificate-holder's satisfaction of the requirements of Sections 21-2 and 21-14 of the School Code.

d) A certificate-holder who wishes to receive evidence of the LPDC's receipt of his or her application shall include a receipt for the LPDC's use.

e) Submission of this application form shall not entitle the certificate holder to renewal of the certificate. Renewal of the holder's certificate shall be determined by the State Teacher Certification Board.

f) A certificate-holder who does not apply by March 1 may not be able to

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preserve his or her right of appeal regarding a recommendation for nonrenewal of his or her standard teaching certificate(s).

(Source: Added by emergency rulemaking at 24 Ill. Reg. 9915, effective June 21, 2000, for a maximum of 150 days)

**Section 25.832 Validity and Renewal of Master Certificates**  
**EMERGENCY**

- a) Each application for renewal of a master teaching certificate shall be subject to the provisions of Section 25.830 of this Part.
- b) An Illinois master certificate shall have a ten-year period of validity. When an individual receives an Illinois master certificate, any standard certificate(s) held by the same individual shall be renewed as of the date of issuance of the master certificate. Any such standard certificate shall automatically qualify for renewal at the end of its five-year period of validity, as long as the individual continues to hold the master certificate.
- c) When an Illinois certificate-holder successfully renews his or her National Board certification, he or she shall be entitled to renew his or her Illinois master certificate and any other certificate(s) held if the applicable requirements of this Subpart J have also been met.
- d) The holder of an Illinois master certificate whose certification through the NBPTS is not renewed shall nevertheless be entitled to renew the master certificate when it expires, provided that the applicable requirements of this Subpart J have been met during the master certificate's period of validity.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 9915, effective June 21, 2000, for a maximum of 150 days)

**Section 25.835 Review of and Recommendation Regarding Application for Renewal**  
**EMERGENCY**

- a) The LPDC shall review each application that conforms with the requirements of Section 25.830 of this Part and, within 30 days after receiving it, use a form supplied by the State Board of Education to provide 30 days' written notification to the certificate-holder of the recommendation it will forward to the regional superintendent of schools. Such notification shall include a copy of the summary form referred to in Section 25.830(b) of this Part, signed by the chair of the LPDC and indicating whether the quantity and distribution of merit displayed thereon demonstrate that the certificate-holder has met the requirements of his or her approved plan. If the recommendation will be for nonrenewal of the affected certificate(s), such notification shall include a return receipt.
- b) At any time before the recommendation is to be forwarded to the regional superintendent, the certificate-holder may submit a written

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request to appear before the committee or a written request that the LPDC reconsider its intention to forward an unfavorable recommendation.

- c) If requested to do so, the LPDC shall:
  - 1) permit the certificate-holder to appear before it to justify his or her contention that the certificate(s) held should be renewed; or
  - 2) reconsider its recommendation.
- d) The committee shall forward a recommendation to the regional superintendent, on a form provided by the State Board of Education, no later than 30 days after receipt of the certificate-holder's request pursuant to subsection (b) of this Section. The committee shall provide concurrent notification to the certificate-holder that:
  - 1) states the recommendation and the rationale for it;
  - 2) indicates the date on which the recommendation was forwarded to the regional superintendent; and
  - 3) includes a return receipt.
- e) Upon receipt of notification by the LPDC that a recommendation has been forwarded to the regional superintendent, the certificate-holder shall pay to the regional superintendent the fee required pursuant to Section 21-16(b) of the School Code [105 ILCS 5/21-16(b)].
- f) The certificate-holder may appeal to the responsible RPDRC for consideration of his or her application for renewal if the LPDC does not respond within any of the timelines set forth in subsections (a) and (d) of this Section.
- g) Within 14 days after receiving notice that a recommendation for nonrenewal has been forwarded, the certificate-holder may appeal the recommendation to the RPDRC. Such an appeal shall be transmitted on a form supplied by the State Board of Education, shall include a return receipt, and may include any supporting documentation the certificate-holder deems relevant.
- h) Within seven business days after receipt of such an appeal, the RPDRC shall request the LPDC's record of review. The LPDC's record shall be forwarded to the RPDRC within seven business days and shall include:
  - 1) the individual's approved plan for continuing professional development and any amendments that have been made thereto;
  - 2) the evidence of completion submitted by the certificate-holder with respect to each continuing professional development activity for which credit is claimed and the summary form that shows how credits were awarded; and
  - 3) copies of any determinations made by the LPDC not to award credit as claimed by the certificate-holder and any evidence that supports such determinations.
- i) Within 45 days after receiving such an appeal, the RPDRC shall make a recommendation to the regional superintendent in keeping with the requirements of Section 21-14(g)(2) of the School Code [105 ILCS 5/21-14(g)(2)]. The RPDRC shall use a form provided by the State Board of Education for this purpose and shall include the rationale



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for its recommendation. To assist it in arriving at its recommendation, the RPDC may require the submission of additional information or may request that the certificate-holder appear before it. The RPDC shall also forward to the regional superintendent the LPDC's record of review, as well as any supporting documentation supplied by the certificate-holder.

- 1) Within 14 days after receiving the last recommendation required under subsections (a) through (i) of this Section, the regional superintendent shall forward his or her recommendation to the State Teacher Certification Board along with the information required pursuant to Section 21-14(q)(1) of the School Code [105 ILCS 5/21-14(q)(1)]. Forms supplied by the State Board of Education shall be used for this purpose. A copy of the recommendation shall be sent to the certificate-holder concurrently. If the recommendation is not to renew the certificate(s) held, or if the application indicates the individual is or may be out of compliance with Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65], with regard to child support payments, the certificate-holder's copy shall be sent by certified mail, return receipt requested; and the regional superintendent shall return the registration fee therewith.
- 1) The regional superintendent shall forward to the Secretary of the State Teacher Certification Board a list that identifies each certificate-holder with respect to whom the regional superintendent is concurring with an LPDC's recommendation for certificate renewal. This list shall be prepared on a form supplied by the State Board of Education.
- 2) If the regional superintendent is recommending certificate renewal despite a local or regional committee's recommendation for nonrenewal, the regional superintendent shall forward to the Secretary of the State Teacher Certification Board:
  - A) the LPDC's record of review;
  - B) the RPDC's recommendation; and the material called for in subsection (h) of this Section, if any; and
  - C) the regional superintendent's rationale for recommending renewal.
- 3) If the regional superintendent is recommending nonrenewal (regardless of local and/or regional recommendations) the regional superintendent shall forward to the Secretary of the State Teacher Certification Board:
  - A) the LPDC's record of review;
  - B) the RPDC's recommendation and the material called for in subsection (h) of this Section, if any; and
  - C) the regional superintendent's rationale for recommending nonrenewal.

- k) Within 14 days after receipt of notice that the regional superintendent has recommended nonrenewal of his or her certificate(s), the certificate-holder may appeal that recommendation to the State Teacher Certification Board, using a form provided by the

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- 1) The appeal must state the reasons why the recommendation of the regional superintendent should be reversed and must be sent by certified mail, return receipt requested.
- A) Appeals shall be addressed to:

State Teacher Certification Board  
Secretary  
100 North First Street  
Springfield, Illinois 62777

- B) No electronic or facsimile transmissions will be accepted.
- C) Appeals postmarked later than 14 calendar days following receipt of the nonrenewal notice will not be processed.
- 2) In addition to the appeal form, the certificate holder may submit the following material when the appeal is filed:
  - A) evidence that he or she has satisfactorily completed activities set forth in his or her approved certificate renewal plan;
  - B) any other relevant documents.

- 1) Grounds for a recommendation that a certificate not be renewed shall be limited to the certificate-holder's failure to satisfactorily complete the activities set forth in an approved certificate renewal plan, i.e., to accumulate sufficient units of credit for activities distributed as required among the purposes enumerated in Section 21-14 of the School Code.

(Source: Added by emergency rulemaking at 24 Ill. Reg. effective June 21, 2000, for a maximum of 150 days)

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## Section 25.840 Action by State Teacher Certification Board; Appeals

## EMERGENCY

- a) The State Teacher Certification Board shall review each recommendation regarding the renewal of a certificate within the time allotted by Section 21-14(h) of the School Code [105 ILCS 5/21-14(h)] and verify that the certificate-holder has met the renewal criteria set forth in Section 21-14(q)(1) of the School Code [105 ILCS 5/21-14(q)(1)], subject to the certificate-holder's right of appeal as specified in that Section.
- b) Within 60 days after receipt of an appeal filed by a certificate-holder challenging a regional superintendent's recommendation for nonrenewal, the State Teacher Certification Board shall hold an appeal hearing. The Board shall notify the certificate-holder of the date, time, and place of the hearing.
  - 1) The certificate-holder shall submit to the State Teacher Certification Board such additional information as the Certification Board determines is necessary to decide the appeal.

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- 2) *The State Teacher Certification Board may request that the certificate-holder appear before it. (Section 21-14(h)(2) of the School Code [105 ILCS 5/21-14(h)(2)]]. The certificate-holder shall be given at least ten days' notice of the date, time, and place of the hearing.*
- 3) *In verifying whether the certificate-holder has met the renewal criteria set forth in Section 21-14(g)(1) of the School Code, the State Teacher Certification Board shall review:*
  - A) *The recommendation of the regional superintendent of schools;*
  - B) *The regional professional development review committee's recommendation, if any;*
  - C) *The local professional development committee's recommendation; and*
  - D) *All relevant documentation.*
- 4) *The State Teacher Certification Board shall notify the certificate-holder of its decision regarding certificate renewal as set forth in Section 21-14(h)(2) of the School Code [105 ILCS 5/21-14(h)(2)]. If the decision is not to renew the individual's certificate(s), the notification shall state the reason(s) for that decision.*
  - 1) *An individual whose certificate is not renewed because of his or her failure to complete professional development in accordance with this Subpart J may apply for a reinstated certificate valid for one year.*
  - 2) *After the one-year period of validity of the reinstated certificate, the individual shall receive a renewable standard certificate only if he or she has:*
    - A) *completed the balance of the professional development activities that were required for renewal of the certificate previously held; and*
    - B) *earned five additional semester hours of credit in a recognized institution of higher learning in the field of professional education or in courses related to the holder's contractual teaching duties.*
- 3) *In order to comply with the requirement set forth in subsection (G)(2)(A) of this Section, an individual may either complete the plan that was previously in place or submit proposed revisions to the responsible LPMC in order to align the balance of the activities with his or her current teaching assignment.*
- 4) *The State Teacher Certification Board shall not renew any certificate if the holder has been found to be more than 30 days delinquent in payment of child support or has failed to comply with a subpoena or warrant relating to a paternity or child support proceeding. Any disciplinary action taken against a certificate-holder for failure to make the certification required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65] shall be in accordance with that Section and the rules of the State Board of Education for*

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Contested Cases and Other Formal Hearings [23 Ill. Adm. Code 475]. The decision of the State Board of Education is a final administrative decision and shall be subject to administrative review as set forth in Section 21-24 of the School Code [105 ILCS 5/21-24].

(Source: Added by emergency rulemaking at 24 Ill. Reg. 9941 effective June 21, 2000, for a maximum of 150 days)

**Section 25.845 Responsibilities of School Districts****EMERGENCY**

As used in this Section, the term "school district" shall be understood to include charter schools, cooperatives, and joint agreements.

- a) Each school district shall designate an employee who will have the responsibility for making all forms required pursuant to this Subpart J available to certificate-holders, members of local professional development committees, and others who need to use them.
- b) Each school district, in conjunction with its exclusive representative, if any, shall determine the number and type(s) of LPPCs to be established.
  - 1) The number of committees that will operate in a district shall be sufficient to permit the committees to accomplish the functions assigned to them in accordance with the timelines set forth in this Subpart J.
  - 2) Distribution of responsibility among LPPCs may be according to building, grade level, type of certificate, subject matter area, or any other factor that seems appropriate.
- c) Each school district shall name the administrator and at-large member who will serve on each LPPC. A district superintendent or other chief administrator may identify a designee to represent him or her on an LPPC.
- d) Each school district shall publicize to certificate-holders:
  - 1) the number and respective areas of responsibility of the district's LPPCs;
  - 2) the name of each committee's chairperson; and
  - 3) the method by which individuals may contact the LPPCs and the address to which materials shall be submitted.
- e) Each school district shall convene the first meeting of one LPPC. Each school district shall file with the regional superintendent, on a form supplied by the State Board of Education, a list of its LPPCs, indicating for each LPPC the area(s) of responsibility, the chairperson's name, and the other members' names. Revisions to these lists shall be submitted as changes occur.
- g) Each school district without an exclusive representative shall make available an opportunity for those classroom teachers who are employed in the district and who are subject to the requirements of this Subpart J to select an adequate number of classroom teachers to serve on the district's LPPCs. For purposes of this Subpart J, "classroom



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teachers" includes all individuals who are subject to its requirements.

- b) Each school district shall arrange for secure storage of the files required pursuant to this Subpart J.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 9915, effective June 21, 2000, for a maximum of 150 days)

Section 25.848 General Responsibilities of LPDCsEMERGENCY

- a) Each LPDC shall post the schedule of its meetings.
- b) Each LPDC shall comply with the applicable timelines set forth in this Subpart J and shall maintain records demonstrating such compliance.
- c) Each LPDC shall acknowledge in writing its receipt of an application for renewal of an individual's certificate(s) if such an acknowledgment is requested by the certificate-holder pursuant to Section 25.830(d) of this Part.
- d) Each LPDC shall request from the exclusive representative the appointment of such alternates for its teacher members as may be necessary to ensure that no certificate-holder reviews his or her own plan for continuing professional development, evidence of completion of activities, or application for certificate renewal. If another LPDC is operating within the same school district, such alternates shall be chosen from among the teacher members of that LPDC.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 9915, effective June 21, 2000, for a maximum of 150 days)

Section 25.850 General Responsibilities of Regional SuperintendentsEMERGENCY

- a) Each regional superintendent of schools shall designate an employee who will be responsible for making all forms required pursuant to this Subpart J available to certificate-holders, members of local and regional professional development committees, and others who need to use them. Each regional superintendent of schools shall also designate an employee who will be responsible for tracking the receipt and distribution of the written materials called for in this Subpart J that are submitted to or through the regional office. Nothing shall preclude the same individual from fulfilling both the functions specified in this subsection (a).
- b) Each regional superintendent shall determine the number of regional professional development review committees needed in the region.
- i) The number of committees that will operate in a region shall be at the regional superintendent's discretion, so long as the committees established are able to accomplish the functions assigned to them in accordance with the timelines set forth in

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this Subpart J.

- 2) Each regional superintendent may distribute responsibility among RPDCs according to district, building, grade level, type of certificate, subject matter area, or any other factor the regional superintendent deems appropriate.
- c) Each regional superintendent shall publicize the way in which certificate-holders can contact the RPDCs. In each case, the address of the regional superintendent's office shall be identified as the address of the RPDC. If a schedule for RPDC meetings is set, the regional superintendent shall publicize that schedule.
- d) Each regional superintendent shall provide written information to members of the RPDCs concerning the method for reimbursement of their expenses. Identification of reimbursable items, and rates of reimbursement.
- e) Each regional superintendent shall receive, review, respond to, and keep on file the plans of the teachers for which he or she serves as the LPDC (i.e., nonpublic school teachers, teachers in State-operated schools, and substitute and inactive teachers who elect to maintain their certificates as valid and active).
- i) A regional superintendent may identify one or more designees to assist him or her in functioning as an LPDC and may further designate individuals or committees to provide him or her with advice and recommendations on related matters.
- 2) No designee appointed by the regional superintendent to assist in serving as an LPDC may serve on an RPDC that considers matters related to the same type(s) of certificates.
- f) Each regional superintendent shall review all recommendations for certificate renewal or nonrenewal and, using a form supplied by the State Board of Education, shall forward those recommendations to the State Teacher Certification Board along with an indication of his or her concurrence or non-concurrence. The regional superintendent shall forward the documentation specified in Section 25.835(i) of this Part as applicable in each case.
- g) If any individual's application indicates that he or she may be or is out of compliance with Section 10-65 of the Illinois Administrative Procedure Act with regard to child support payments, the regional superintendent shall separate any such application or applications from those pertaining to certificates that are recommended for renewal and shall forward them to the Secretary of the State Teacher Certification Board whenever he or she forwards the remainder of the materials called for in subsection (f) of this Section, calling the Secretary's attention to the potential noncompliance.
- h) Each regional superintendent shall notify all LPDCs and RPDCs in his or her region of the State priorities referred to in Section 25.810 of this Part.
- i) Based upon information provided by the certificate-holders in his or her region, each regional superintendent shall enter data into the centralized registry indicating the valid and active or valid and

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exempt status of each certificate for each semester of its validity.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 9915 effective June 21, 2000, for a maximum of 150 days)

### Section 25.855 Approval of Illinois Providers EMERGENCY

Illinois-based entities that offer professional development activities, such as training organizations, institutions, school districts, regional offices of education, firms, teacher unions, and professional associations, and universities and colleges, may apply to the State Board of Education and the State Teacher Certification Board for approval to issue CEUs or CPDUs for conferences, workshops, institutes, seminars, symposia, or other similar training events whose goal is the improvement of teaching skills and knowledge. A certificate-holder may not receive credit for CEUs or CPDUs with respect to activities offered by Illinois-based entities that are not so approved.

a) Except as provided in subsection (b) of this Section, each provider wishing to receive such approval shall submit an application on a form supplied by the State Board of Education. For each area of professional knowledge or skill in which the provider wishes to secure approval, the application shall include:

- 1) a description of the intended offerings in terms of relevant standards to be addressed;
- 2) the qualifications and experience the provider will require of presenters to be assigned in each area;
- 3) an indication as to whether the application is for approval to issue CEUs or CPDUs and, if approval is sought for both, identification of the activities that will generate each form of credit; and

4) assurances that the requirements of subsection (c) of this Section and the requirements of Section 25.870 of this Part will be met.

b) An organization that has affiliates based in Illinois may apply for approval on their behalf.

1) The applicant organization shall provide a list of its affiliates for which approval is sought and supply the information required pursuant to subsection (a) of this Section with respect to each one.

2) The applicant organization's provision of the assurances required pursuant to subsection (a)(4) of this Section shall be understood to apply to each affiliate for which approval is sought.

3) The applicant organization shall notify the State Board of Education any time it determines that one or more affiliates should be added to or removed from the list of approved providers or that the areas of training should be changed for one or more of the affiliates. For affiliates to be added, the applicant organization shall supply the information required pursuant to

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subsection (a) of this Section.

4) The approval status of the applicant organization shall be contingent upon its affiliates' compliance with the applicable requirements of this Subpart J.

c) Each provider approved to issue CEUs or CPDUs shall:

- 1) submit written notice to the State Board of Education no later than 30 days prior to the initial date of each of its training activities, including the title, description, target audience, instructional method, and intended learning outcomes of the activity, along with a sample of the syllabus, program, or outline for it;
- 2) verify attendance at its training activities, provide to participants the standard forms referred to in Section 25.865 of this Part, and require completion of the evaluation portion of these forms;
- 3) maintain participants' evaluation forms for a period of not less than three years and make them available for review upon request by staff of the State Board of Education;
- 4) maintain attendance records for each event or activity it conducts or sponsors for a period of not less than five years; and

5) include in each announcement regarding an event or activity whether CEUs or CPDUs will be available.

d) Applicants may be asked to clarify particular aspects of their materials.

e) The State Superintendent of Education, on behalf of the State Board of Education and the State Teacher Certification Board, shall respond to each application for approval no later than 30 days after receiving it.

f) A provider shall be approved to issue CEUs for a given type of activity only if the provider's application provides evidence that:

- 1) the activities will be developed and presented by persons with education and experience in the applicable subject matter areas;
- 2) the activities will include an activity such as discussion, critique or application of what has been presented, observed, learned, or demonstrated; and
- 3) there is an apparent correlation between the proposed content of the training activities, the relevant standards set forth in Subpart B of this Part, and one or more of the purposes the recipients are required to address in their continuing professional development plans pursuant to Section 21-14(e)(2) of the School Code.

g) A provider shall be approved to issue CPDUs for a given type of activity only if the provider's application provides evidence that:

- 1) the activities and events it sponsors or conducts will be developed and presented by persons with education and experience in the applicable subject matter area(s); and

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- 2) there is an apparent correlation between the proposed content of the training activities, the relevant standards set forth in Subpart B of this Part, and one or more of the purposes the recipients are required to address in their continuing professional development plans pursuant to Section 21-14(e)(2) of the School Code.
- b) The State Board of Education shall maintain and publicize the list of all approved providers. The list shall indicate any limitations on the type(s) of activities for which an entity has received approval.
- i) Approval of a provider shall be valid for three years. To request renewal of such approval, a provider shall, no later than March 1 of the year of expiration, submit an application on a form supplied by the State Board of Education and containing:
- a description of any significant changes in the material submitted as part of its approved application; or
  - a certification that no such changes have occurred.
- j) A provider's approval shall be renewed if the application conforms to the requirements of subsection (i) of this Section, provided that the Boards have received no evidence of noncompliance with the requirements of this Subpart J.
- k) The State Board of Education may evaluate any approved provider at any time to ensure compliance with the requirements of this Section. Upon request by the State Board, a provider shall supply information regarding its schedule of training events, which the State Board may, at its discretion, monitor at any time. In the event such an evaluation indicates that applicable standards have not been met, the State Board of Education and the State Teacher Certification Board may jointly withdraw approval for one or more types of activities or of the provider. Staff of the State Board of Education shall periodically report to the State Teacher Certification Board on the providers reviewed and any changes in their approval status.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 9915 effective June 21, 2000, for a maximum of 150 days)

**Section 25.860 Out-of-State Providers****EMERGENCY**

The requirements for approval of providers not based in Illinois shall be as set forth in this Section.

- Entities not based in Illinois that offer professional development activities for which the target audience is groups of Illinois teachers shall be subject to the requirements of Section 25.855 of this Part. A certificate-holder may not receive credit with respect to activities offered by such an entity unless it has been approved pursuant to that Section.
- When an entity not based in Illinois conducts an activity outside Illinois, a certificate-holder may receive CPDUs with respect to that

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activity, provided that:

- the certificate-holder submits to the LPDC:
  - the program, agenda, or other announcement of the event; and
  - a completion form supplied by the provider to indicate the certificate-holder's attendance at the event or, if no such form was supplied, a signed statement by the certificate-holder to that effect; and
- the LPDC determines that the program, agenda, or other announcement of the event demonstrates that:
  - there is an apparent correlation between the content of the training received and one or more of the purposes the recipient has addressed in his or her continuing professional development plan; and
  - the activities were conducted or presented by persons with education and experience in the applicable subject matter area(s).
- When an entity not based in Illinois conducts an activity outside Illinois, a certificate-holder may receive CPDUs with respect to that activity, provided that:
  - the requirements of subsection (b) of this Section are met; and
  - the LPDC determines that each activity for which CPDUs are claimed included an activity such as discussion, critique, or application of what was presented, observed, learned, or demonstrated.
- When a national or regional activity (e.g., the annual conference of the National Council of Teachers of Mathematics) happens to be held in Illinois, that activity shall not be treated as one for which the target audience is groups of Illinois teachers. That is, provider approval shall not be required and credit shall be available as described in subsections (b) and (c) of this Section.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 9915 effective June 21, 2000, for a maximum of 150 days)

**Section 25.865 Awarding of Credit for Activities with Providers****EMERGENCY**

The State Teacher Certification Board and the State Board of Education shall develop the requirements for a standard form that shall be used by approved providers. These forms shall serve two purposes: evaluation of the activity by the certificate-holder and evidence of completion for the certificate-holder with respect to the activity. The State Board of Education shall make available information about the required format and contents of this form so that providers may generate them for their own use.

- This form shall be provided to each participant who completes the activity, who shall present it to the LPDC as evidence of completion (see Section 25.875(k) of this Part).
- In the case of a conference, workshop, or other event having more than one session, each session shall be considered an "activity"



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for purposes of this Subpart J.

- 2) In the case of a conference, workshop, or other event having more than one session, the certificate-holder shall indicate by marking on the program or agenda which sessions he or she attended.

b) The provider shall complete the standard form to indicate the title, time, date, location, and nature of the event.

c) The provider shall indicate the number of CEUs issued, if applicable. Local professional development committees shall credit CEUs in the amount issued by the approved provider.

e) Local professional development committees shall examine completion forms to determine the number of CPDUs to be credited, in keeping with the provisions of Section 25.875(k) of this Part. Time spent on multiple topics at the same event may be combined to generate CPDUs.

f) With respect to activities held in Illinois, LPPCS shall credit CEUs or CPDUs only when the standard form is presented.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 9915, effective June 21, 2000, for a maximum of 150 days)

## Section 25.870 Continuing Education Units (CEUs)

## EMERGENCY

Continuing education units shall be credited only for professional development activities that are conducted or sponsored by an organization, entity, or firm that has been approved to issue CEUs pursuant to Section 25.855 of this Part.

a) One CEU shall be issued for five clock-hours of a certificate-holder's direct involvement, exposure, or participation in activities (including related assignments) that contribute to his or her professional knowledge, competence, performance, or effectiveness in education.

b) Time spent in organizational or administrative activities related to the conduct of a professional development activity or event or related to other business of the sponsoring entity shall not be included in the calculation of time for which CEUs will be issued.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 9915, effective June 21, 2000, for a maximum of 150 days)

## Section 25.875 Continuing Professional Development Units (CPDUs)

## EMERGENCY

The number of CPDUs to be awarded for completion of specific activities shall be as set forth in this Section. In addition to the specific requirements described in the various subsections of this Section, the evidence of completion required for each of the activities listed shall include a brief written statement prepared by the certificate-holder which summarizes the activity or experience, discusses the skills and/or knowledge acquired, and

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indicates, where applicable, how the skills or knowledge will be applied in the context of the participant's teaching. Alternatively, if the certificate-holder determines that the experience has not yielded knowledge or skills that can be used in his or her teaching, he or she shall indicate that fact and briefly explain why this is the case.

a) Participation on collaborative planning and professional improvement teams and committees [105 ILCS 5/21-14(e)(3)(E)(i)]

1) Definition: Attendance at and participation in no fewer than two-thirds of the meetings of a group whose function is planning for professional development activities that will benefit groups of teachers and/or the school.

2) Credit: Five CPDUs shall be credited per semester in which the individual attends three to five meetings; eight CPDUs shall be credited per semester in which the individual attends six or more meetings.

3) Evidence of Completion: Written description of the purpose and intended product of the team or committee; a record of the team's meetings demonstrating the member's attendance; and the plan, activity description, or other product that results from the group's work.

b) Peer review and coaching [105 ILCS 5/21-14(e)(3)(E)(ii)]

1) Definitions

A) Peer review: A process of one-on-one assistance between pairs of teachers that is formally established by agreement between a school district and its teachers or their exclusive representative, in which the participants establish specific goals for the teacher being reviewed and conduct a program of intervention to assist that teacher with particular aspects of his or her teaching that includes observation and assessment of the teacher's performance in sessions lasting at least 20 minutes each, discussion of the observations made by the reviewing teacher, and preparation of a written summary by the reviewing teacher.

B) Peer coaching: A process of one-on-one assistance between pairs of teachers, whether by formal arrangement under the auspices of the employing district or by mutual agreement, in which the participants observe each other's teaching and discuss the observations made.

2) Credit: For peer review, nine CPDUs shall be credited per semester in which there are three to five observations; 11 CPDUs shall be credited per semester in which there are six or more observations. For peer coaching, five CPDUs shall be credited per semester in which there are three to five observations; eight CPDUs shall be credited per semester in which there are six or more observations.

3) Evidence of Completion

A) For peer review: The school's, district's, or exclusive representative's written program description or policy; a

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record of the certificate-holder's assignment and observation schedule; and a log of the observation sessions and other meetings, indicating the time spent, dates, and topics of discussion.

- B) For peer coaching: A log of the observation sessions and other meetings, indicating the time spent, dates, and topics of discussion.

C) Mentoring in a formal program, including service as a consulting teacher participating in a remediation process formulated under Section 24A-5 of the School Code [105 ILCS 5/24A-5] [105 ILCS 5/21-14(e)(3)(E)(iii)]

## 1) Definitions

- A) For a mentor: A formally established sequence of sessions lasting no less than one quarter of a school year and involving preparation with the recipient teacher prior to observing that teacher in the classroom; observations; and provision of feedback, suggestions, and techniques to the recipient teacher in response to each period of observation.
- B) For a consulting teacher: Participation in the remediation process, involving assistance in the development of a remediation plan, provision of advice to the teacher under remediation; and

i) meetings lasting at least 20 minutes each with the remediating teacher to discuss how to improve teaching skills and successfully complete the remediation plan, to review lesson plans, to conduct demonstrations, or to provide feedback on observations conducted by an administrator; or

ii) meetings of the same length with an administrator or other personnel to discuss the remediating teacher's progress or classroom observation; or

iii) Classroom observation of the remediating teacher, including preparation with the remediating teacher prior to the observation and provision of feedback, suggestions, and techniques to the remediating teacher in response to each period of observation.

- C) For a recipient or remediating teacher: A formally established sequence of sessions lasting no less than one quarter of a school year and involving consultation with the mentor or consulting teacher in preparation for the lessons to be observed; teaching under observation of the mentor or consulting teacher; and interaction with the mentor or consulting teacher after each such teaching session to reflect upon the teaching and learning, receive feedback, discuss alternatives and suggestions, and determine how this information will be integrated into the teacher's future work.

## 2) Credit

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- A) For a mentor or for a recipient or remediating teacher: Nine CPDUs shall be credited for a semester in which there are three to five observations; 11 CPDUs shall be credited for a semester in which there are six or more observations.

- B) For a consulting teacher: Six CPDUs shall be credited for a semester in which there are three to five meetings; eight CPDUs shall be credited for a semester in which there are six or more meetings; nine CPDUs shall be credited for a semester in which there are three to five meetings and one or more observations; 11 CPDUs shall be credited for a semester in which there are six or more meetings and one or more observations.

## 3) Evidence of Completion

- A) For a mentor or for a recipient or remediating teacher: The school's, district's, or institution's written description of its mentoring program or remediation process, including the required number and length of cycles of interaction; and a log of the observation sessions and other meetings, indicating the time spent, dates, and topics of discussion.

- B) For a consulting teacher: The district's written description of its remediation process; a record of the assignment as a consulting teacher; and a log of the observation sessions and other meetings, indicating the time spent, dates, and topics of discussion.

d) Participating in site-based management or decision-making teams, relevant committees, boards, or task forces related to school improvement plans [105 ILCS 5/21-14(e)(3)(E)(iv)]

- 1) Definition: Attendance at and participation in no fewer than two-thirds of the meetings of a group whose function is formulating recommendations or plans related to budgeting or resource allocation, textbook choice, curriculum modification, scheduling, or other aspects of school operations related to issues noted in the school improvement plan.

- 2) Credit: Eight CPDUs shall be credited per semester in which the individual attends three to five meetings; 11 CPDUs shall be credited per semester in which the individual attends six or more meetings.

- 3) Evidence of Completion: A written description of the purpose and intended product of the team or committee; a record of the team's meetings; and a copy of the product or recommendation developed by the team or committee.

e) Coordinating community resources in schools, if the project is a specific goal of the school improvement plan [105 ILCS 5/21-14(e)(3)(E)(v)]

- 1) Definition: Working with representatives of community agencies to structure or facilitate their interaction with the school's or district's staff or students for the purpose of meeting one or more needs identified in the school improvement plan; must



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include more than the class(es) directly taught by the certificate-holder.

2) Credit: Four CPDUs shall be credited per semester of service, or two CPDUs per quarter.

3) Evidence of Completion: The excerpt from the school improvement plan highlighting the need(s) being met; a written statement prepared by the certificate-holder indicating the purpose or desired outcome of the external entities' involvement; and a statement signed by the district administrator or designee responsible for corroborating the individual's assignment to or performance of this function.

f) Facilitating parent education programs for a school, school district, or regional office of education directly related to student achievement or the school improvement plan [105 ILCS 5/21-14(e)(3)(E)(vii)]

1) Definitions

A) Arranging for or coordinating presentations in the context of a formally established program consisting of two or more sessions and designed to serve parents of the students in a particular school or district by informing or training them in one or more areas related either to their children's achievement or to another need identified in a school improvement plan.

B) Delivering presentations in the context of a formally established program consisting of two or more sessions and designed to serve parents of the students in a particular school or district by informing or training them in one or more areas related either to their children's achievement or to another need identified in a school improvement plan (to the extent that such presentations are not part of the instruction routinely delivered as a function of the certificate-holder's assignment).

2) Credit: For facilitating a program, four CPDUs shall be credited per semester, or two per quarter. For making presentations, eight CPDUs shall be credited per semester, or four per quarter.

3) Evidence of Completion

A) For coordinating: The sponsoring entity's written description of the parent education program and a statement signed by the administrator or designee responsible for corroborating the individual's assignment as facilitator or coordinator or indicating that he or she performed these duties.

B) For making presentations: The written program description indicating that the certificate-holder served as a presenter in the program.

g) Participating in business, school, or community partnerships directly related to student achievement or school improvement plans [105 ILCS 5/21-14(e)(3)(E)(viii)]

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1) Definition: Formal or informal exchange of information and resources between a teacher and a business, educational institution, or other entity for the purpose of improving student achievement or responding to a need identified in the school improvement plan.

2) Credit: Five CPDUs shall be credited per semester in which the individual attends three to five meetings; eight CPDUs shall be credited per semester in which the individual attends six or more meetings.

3) Evidence of Completion: A written description of the partnership that states its goals, identifies the need(s) it is designed to meet, and describes the activities conducted by the certificate-holder; and a copy of the relevant portion of the school improvement plan that includes the specific need(s) identified.

b) Supervising a student teacher or teacher education candidate in clinical supervision, provided that the supervision may only be counted once during the course of 5 years [105 ILCS 5/21-14(e)(3)(E)(viii)]

1) Definitions

A) Service (as determined by the teacher preparation institution in conformance with Section 25.620 of this Part) as a supervising teacher for a student teacher or a teaching candidate in clinical supervision who is enrolled in an approved teacher preparation program.

B) Provision of at least 40 hours of supervisory service connected with the pre-student-teaching practicum to one or more candidates who are enrolled in an approved teacher preparation program.

2) Credit: Thirty CPDUs shall be credited for supervising a student teacher or a teaching candidate in clinical supervision; 12 CPDUs shall be credited for supervising one or more candidates in pre-student-teaching clinical experience. Each of these types of supervision may be counted once during the course of five years.

3) Evidence of Completion: The written agreement between the school district and teacher preparation institution naming the certificate-holder as a supervising teacher for candidates of pre-student-teaching clinical experience, a log showing the dates and times of service and the names of the candidates involved.

1) Completing undergraduate or graduate credit earned from a regionally accredited institution in coursework relevant to the certificate area being renewed, provided the coursework meets Illinois Professional Teaching Standards or Illinois Content Area Standards and supports the essential characteristics of quality professional development [105 ILCS 5/21-14(e)(3)(F)(i)]

1) Fifteen CPDUs shall be credited for each semester hour of successfully completed college or university coursework that is

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related to an individual's certificate(s) and addresses the standards set forth in Subpart B of this Part relative to the certificate-holder's field(s) of teaching or assignment.

- 2) Evidence of Completion: A grade report or official transcript issued by the institution indicating that the certificate-holder has passed the course.

*Teaching college or university courses in areas relevant to the certificate area being renewed, provided that the teaching may only be counted once during the course of 5 years* [105 ILCS 5/21-14(e)(3)(F)(ii)]

- 1) Definition: Teaching a college-level course in a field that is related to an individual's certificate(s) and results in the granting of college credit to those enrolled.

- 2) Credit: Twenty CPDUs shall be awarded for teaching a college course. A course shall be considered "the same" if its description is the same in different course catalogues issued by the same institution or, for a course offered at more than one institution, if the syllabus for the course is substantially the same. A course shall not be considered the same as another course if a student may receive credit for successfully completing both. In cases where two courses appear similar, the certificate-holder wishing to claim CPDUs for both shall be required to demonstrate how the two differ.

- 3) Evidence of Completion: A course syllabus, signed contract or agreement, or other documentation prepared by the college or university that identifies the certificate-holder as the teacher of a particular course.

*Completing non-university credit directly related to student achievement, school improvement plans, or State priorities* [105 ILCS 5/21-14(e)(3)(G)(i)] *participating in or presenting at workshops, seminars, conferences, institutes, and symposiums* [105 ILCS 5/21-14(e)(3)(G)(ii)]

- 1) Definitions

- A) Attendance at and participation in a conference, workshop, institute, seminar, symposium, or other similar training event that is organized by an entity approved pursuant to Section 25.855 or Section 25.860 of this Part and addresses educational concerns.

- B) Making a presentation at a conference, workshop, institute, seminar, symposium, or other similar event whose goal is the improvement of teaching skills and knowledge.

- 2) Credit: One CPDU shall be credited for each hour of a certificate-holder's attendance or participation. Eight CPDUs shall be credited for an individual's first presentation of a given topic; three CPDUs shall be credited for a subsequent presentation of the same topic.

- 3) Evidence of Completion

- A) For attendance: The standard form issued by the provider at

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the conclusion of the session or event pursuant to Section 25.865 of this Part, including a statement regarding how the certificate-holder will use what he or she learned in the context of his or her teaching; the program prepared by the entity sponsoring or conducting the event, indicating the topics covered and the length of time devoted to each.

- B) For presentation: The program prepared by the entity sponsoring or conducting the event, identifying the certificate-holder as presenter in a topic area relevant to his or her certification or teaching assignment.

*Training as external reviewers for Quality Assurance* [105 ILCS 5/21-14(e)(3)(F)(iii)]

- 1) Definition: Participation in a complete training sequence regarding the quality assurance process used by the State Board of Education pursuant to the Board's rules for Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1).

- 2) Credit: Ten CPDUs shall be credited for the first instance of an individual's participation. Five CPDUs shall be awarded for completion of one additional training sequence within any one period of a certificate's validity.

- 3) Evidence of Completion: A certificate issued by the State Board.

*Training as reviewers of university teacher preparation programs* [105 ILCS 5/21-14(e)(3)(F)(iv)]

- 1) Definition: Participation in a complete training sequence regarding the process used by the State Board of Education in approving teacher preparation programs or accrediting teacher preparation institutions pursuant to Subpart C of this Part.

- 2) Credit: Ten CPDUs shall be credited for the first instance of an individual's participation. Five CPDUs shall be awarded for completion of one additional training sequence within any one period of a certificate's validity.

- 3) Evidence of Completion: A certificate issued by the State Board.

*Participating in action research and inquiry projects* [105 ILCS 5/21-14(e)(3)(H)(i)]

- 1) Definition: Conducting a teacher-developed study at least one quarter of the school year in length that is based upon a written protocol identifying the aspect of education that will be investigated, the approach to be used, and the desired or expected outcome of the project.

- 2) Credit: Eight CPDUs per semester shall be credited for a project involving the certificate-holder's own classes; 11 CPDUs per semester shall be credited for a project involving or affecting classes other than or in addition to the certificate-holder's own classes(es).

- 3) Evidence of Completion: The written protocol and a written summary of the inquiry and its results that describes what the certificate-holder has learned and identifies the implications of the experience for the individual's future teaching.

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- o) *Observing programs or teaching in schools, related businesses, or industry that is systematic, purposeful, and relevant to certificate renewal* [105 ILCS 5/21-14(e)(3)(H)(ii)]
- 1) Definition: Engaging in a series of observations, either of teaching performed by others or of work activity directly related to the certificate-holder's area(s) of certification.
- 2) Credit: Five CPDUs shall be credited per semester, or 2.5 CPDUs per quarter.
- 3) Evidence of Completion: A description of the observations prepared by the certificate-holder, including work to be observed, the purpose for which the observations were to be conducted, the frequency and length of the periods of observation, what was learned, and how the information will be used in the individual's future teaching.
- p) *Traveling related to one's teaching assignment, directly related to student achievement or school improvement plans and approved at least 30 days prior to the travel experience, provided that the traveling shall not include time spent commuting to destinations where the learning experience will occur* [105 ILCS 5/21-14(e)(3)(H)(iii)]
- 1) Definition: Travel lasting no less than three consecutive, full days, which the PPC has approved based on a plan submitted by the certificate-holder. The plan shall relate the travel to one or more of the individual's improvement goals, identify the activities or aspects of the travel that will contribute to his/her professional development, and the dates of the travel. The completed travel experience must be submitted to the PPC shall be understood to mean that CPDUs will be awarded upon submission of the required evidence of completion.)
- 2) Credit: Twelve CPDUs shall be awarded per year in which the certificate-holder engages in an episode of qualifying travel, except that 15 CPDUs shall be awarded per year in which a certificate-holder who is a teacher of a foreign language engages in an episode of qualifying travel to a destination where the foreign language he or she teaches is commonly spoken in public. If a certificate-holder engages in additional episodes of qualifying travel in a year in which he or she has been awarded the maximum number of CPDUs per year for qualifying travel, he or she may carry over and claim such travel in a subsequent year, provided that the allowable per year may not exceed the maximum number of CPDUs allowable per year for qualifying travel.
- 3) Evidence of Completion: The travel itinerary and a written journal prepared by the certificate-holder that summarizes the experience and reflects on how he or she plans to use what was learned in the context of his or her teaching.
- q) *Participating in study groups related to student achievement or school improvement plans* [105 ILCS 5/21-14(e)(3)(H)(iv)]
- 1) Definition: Attendance at and participation in no fewer than two-thirds of the meetings of a group that investigates one or

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- more aspects of education in a series of regular, structured, collaborative interactions with a view to improving the members' practice or related outcomes among their students.
- 2) Credit: Six CPDUs shall be credited per semester in which the individual attends three to five meetings; eight CPDUs shall be credited per semester in which the individual attends six or more meetings.
- 3) Evidence of Completion: A written statement of purpose for the group, a list of the group's members, and summaries of the meetings showing attendance by the certificate-holder.
- r) *Serving on a statewide education-related committee, including but not limited to the State Teacher Certification Board, State Board of Education strategic agenda team, or the State Advisory Council on Education of Children with Disabilities* [105 ILCS 5/21-14(e)(3)(H)(v)]
- 1) Definition: Attendance at and participation in no fewer than two-thirds of the meetings of any such body.
- 2) Credit: Fifteen CPDUs shall be credited per year of qualifying service, or 7.5 CPDUs per semester.
- 3) Evidence of Completion: Minutes of the group demonstrating the individual's attendance during the period for which CPDUs are claimed. If submission of minutes would breach confidentiality, a record of attendance shall be sufficient.
- s) *Participating in work/learn programs or internships* [105 ILCS 5/21-14(e)(3)(H)(vi)]
- 1) Definition: Participation in a structured program that pairs the certificate-holder with an employer or other entity under whose auspices the certificate-holder can acquire knowledge or skills for use in his or her future teaching or position.
- 2) Credit: Five CPDUs per semester shall be credited for one through ten contact hours (or 2.5 CPDUs per quarter for five or fewer contact hours); eight CPDUs per semester shall be credited for 11 through 20 contact hours (or four CPDUs per quarter for 5.5 through ten contact hours); and 11 CPDUs per semester shall be credited for 21 or more contact hours (or 5.5 CPDUs per quarter for more than ten contact hours).
- 3) Evidence of Completion: A signed letter from the employer or other entity verifying the nature of the program or internship and stating the length and frequency of the certificate-holder's direct contact with other individuals from whose knowledge or experience he or she was to benefit.
- t) *Participating in curriculum development or assessment activities at the school, school district, regional office of education, State, or national level* [105 ILCS 5/21-14(e)(3)(H)(i)]
- 1) Definition: Assisting in the planning, development, or refinement of curriculum or assessments, or in their alignment with applicable standards. The activity must be one sanctioned or structured either by the employing school or district or by a statewide, national, or international educational agency or



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organization. Requires participation in no fewer than two-thirds of the group's working sessions.

- 2) Credit: Eight CPDUs shall be credited per semester in which the individual attends five or fewer meetings; for four CPDUs per quarter for three meetings; 11 CPDUs shall be credited per semester in which the individual attends six or more meetings (or 5.5 CPDUs per quarter for more than three meetings).

- 3) Evidence of Completion: Membership list and meeting summaries showing the certificate-holder's presence and participation; and the product of the group's work, such as a curriculum guide or new assessment.

u) Participating in team or department leadership in a school or school district [105 ILCS 5/21-14(e)(3)(i)(ii)]

- 1) Definition: Service in a position of leadership established by a school or district as part of its formal structure and lasting no less than one semester; limited to those activities that relate to instruction in the area of assignment; shall not include tasks unrelated to teaching knowledge, skills, performance, or competence.

- 2) Credit: Five CPDUs shall be awarded per semester of service.

- 3) Evidence of Completion: A job description or other document created by the district or the administrator responsible for assigning a leadership role to the incumbent that is specific in terms of the responsibilities to be carried out within particular periods of time relative to the instructional goals of the department, school, or district.

v) Participating on external or internal school or school district review teams [105 ILCS 5/21-14(e)(3)(i)(iii)]

- 1) Definitions

- A) Participating as an external or internal reviewer in a complete cycle of the quality assurance process used by the State Board of Education pursuant to the Board's rules for Illinois School Evaluation, Recognition and Supervision (23 Ill. Adm. Code 121.00).

- B) Participating as a curriculum review panel convened pursuant to Section 25-125(c) of this Part with respect to the approval of a teacher preparation program.
- C) Participating on a review team convened pursuant to Section 25-125(e) of this Part with respect to the accreditation of an institution of higher education and its approval to provide teacher preparation programs.

- 2) Credit: Fifteen CPDUs shall be credited for an external quality review visit, for service on a curriculum review panel, or for service on an institutional review team, provided that each of these types of activities shall be credited no more than once per semester. Eight CPDUs shall be credited per semester of service on a school's internal quality review team, or four CPDUs per quarter.

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- 3) Evidence of Completion: Documentation of the individual's assignment by State Board staff for an external review team; curriculum reviewed; institutional review team; or by a school district administrator (for an internal review team); and a statement signed by the team's chair or convener verifying the certificate-holder's participation for the duration of the process.

w) Publishing educational articles, columns, or books relevant to the certificate area being renewed [105 ILCS 5/21-14(e)(3)(i)(iv)]

- 1) Definition: Writing about educational research, experiences, issues, approaches, systems, or another topic that is related to the effective practice of teaching.

- 2) Credit: Forty CPDUs shall be credited for writing a book that is technical or research-based; 20 CPDUs shall be credited for writing a book of any other type. Fifteen CPDUs shall be credited for writing one or more chapters of a book or for writing an article published in a refereed journal. Eight CPDUs shall be credited for writing a column published at the statewide level. Five CPDUs shall be credited for writing a column published at the local level. In cases of multiple authorship, the CPDUs earned shall be divided among the authors as they agree, provided that no more than 100 percent of the available CPDUs be credited for any item published.

- 3) Evidence of Completion: A copy of each item published, showing the date, publication, and publisher. In the case of an artistic work or other creative endeavor such as development of a curriculum unit or software package, the copyright shall serve as the evidence of "publication."

x) Participating in non-strike-related professional association or labor organization service or activities related to professional development [105 ILCS 5/21-14(e)(3)(i)(v)]

- 1) Definition: Service on local professional development committees, regional professional review committees (including service by certificate-holders in districts without exclusive representatives), or other bodies constituted by professional associations or labor organizations for specified purposes related to the profession of teaching. Requires formal selection by the organization. Examples include positions on committees planning for or formulating educational or professional policies, standards and structures. Activities related to the operations of such bodies shall be eligible.

- 2) Credit: Eight CPDUs shall be credited per semester in which the individual attends three to five meetings; 11 CPDUs shall be credited per semester in which the individual attends six or more meetings.

- 3) Evidence of Completion: A written description of the position or activity; if the purpose of the activity includes the preparation

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of a tangible product, a copy of that product.

## 2) Other

1) An IPDC may award continuing professional development units for activities not enumerated in subsections (a) through (x) of this Section based upon written evidence presented by the certificate-holder that:

- A) describes the activity and its purpose, intensity, duration, and outcomes;
  - B) discusses how the activity related to the improvement of the certificate-holder's knowledge and skills;
  - C) identifies which of the activities enumerated in subsections (a) through (x) of this Section the claimed activity most closely resembles (e.g., auditing a college course is most similar to attendance at a workshop or seminar under subsection (k) of this Section); and
  - D) proposes a number of CPDUs that is commensurate with the value assigned to the activity identified pursuant to subsection (v)(1)(C) of this Section.
- 2) Any disagreement regarding the appropriate number of CPDUs to be awarded shall be resolved by appeal to the RPDRC as provided in Section 25.825(e) of this Part.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 9915, effective June 21, 2000, for a maximum of 150 days)

### Section 25.880 "Valid and Exempt" Certificates; Proportionate Reduction; Part-time Teaching

#### EMERGENCY

a) The requirements of this Subpart J regarding continuing professional development are subject to proportionate reduction with respect to periods of time during which a certificate is maintained as valid and exempt.

- 1) Each certificate-holder shall notify the regional superintendent of schools each time there is a change in his or her teaching assignment, employer, or employment status. The State Board of Education shall make a form available for this purpose that will allow the regional superintendent to determine whether an individual's certificates will be considered valid and active or valid and exempt for any given semester.

A) Certificate-holder may notify the regional superintendent either when a change occurs or whenever it becomes apparent that a particular semester will qualify or has qualified as a period of exemption.

- B) The regional superintendent shall verify the certificate-holder's employment status and shall return to the certificate-holder a signed copy of the form indicating whether a period of exemption has been recorded.

2) Periods of exemption shall be established in one-semester increments. A period of exemption shall be available only for a semester during which a certificate-holder is employed and performing services for fewer than 45 school days. Each one-semester period of exemption shall result in a ten-percent reduction in the requirement for continuing professional development for holders of standard certificates) or a five-percent reduction in the requirement for holders of master certificates).

3) When applying for renewal of his or her certificate(s), each certificate-holder shall identify for the IPDC the periods of exemption that occurred during the period of validity and the proportionate reduction that applies to the requirements for continuing professional development. The certificate-holder shall present a copy of the form referred to in subsection (a)(1) of this Section to document any period of exemption claimed.

4) If proportionate reduction in the requirements for continuing professional development results in a conflict between the total number of units of credit earned and the distribution of those units, a certificate-holder shall be required to conform as closely as possible to the required distribution of units but shall not be obligated to accumulate units of credit in excess of the applicable reduced total.

A) Example: An individual teaches for the first two years of a standard certificate's five-year period of validity and accumulates 60 CPDUs attributable to the purpose identified in Section 25.805(b)(3) of this Part ("Purpose 3"). The individual then maintains the certificate as valid and exempt for the remaining three years. By proportionate reduction, the total number of CPDUs required of this individual is 48. Because the individual has earned 60 CPDUs, he or she shall be considered to have met the requirement for continuing professional development, even though no units of credit have been attributed to the purposes identified in Section 25.805(b)(1) and (2) of this Part ("Purposes 1 and 2").

B) Example: An individual teaches for the first two years of a standard certificate's five-year period of validity and accumulates 40 CPDUs attributable to Purpose 3. The individual maintains the certificate as valid and exempt for the third and fourth years and then returns the certificate to valid and active status for the fifth year because he or she resumes teaching. By proportionate reduction, the total number of units required of this individual is 72. Half of those units (36) are required to pertain to Purpose 1 or 2, but the individual only lacks 32 units for a total of 72. The certificate-holder shall be required to use these 32 units to address Purposes 1 and 2 and shall amend his or her



## STATE BOARD OF EDUCATION

## NOTICE OF EMERGENCY AMENDMENTS

- plan to include activities that comply with this requirement.
- 5) An individual whose certificate is valid and exempt may nevertheless keep an approved plan on file covering continuing professional development activities he or she wishes to complete during the period of exemption. Completion of such activities shall be appropriately credited by the responsible RPDC, without affecting the proportionate reduction in the total number of units required.

- b) The requirement for continuing professional development shall be reduced by 20 percent for the first renewal cycle with respect to any individual who receives a standard certificate, or 10 percent for an individual who receives a master certificate, whose first year of validity expires on June 30, 2000.

- c) The requirement for continuing professional development shall be reduced by 50 percent with respect to a period of time during which the certificate-holder has been employed on a part-time basis, i.e., has been teaching for less than 50 percent of the school day or school term. [Section 21-14(e)(1) of the School Code [105 ILCS 5/21-14(e)(1)]]

(Source: Added by emergency rulemaking at 24 Ill. Reg. 9915 - 3, effective June 21, 2000, for a maximum of 150 days)

# Section 25.885 Funding; Expenses

## EMERGENCY

- a) School districts, charter schools, cooperatives, and joint agreements may use the funds provided to them by the State Board of Education under Section 21-14(k) of the School Code [105 ILCS 5/21-14(k)] for such of the following expenditures as may be accommodated within the maximum amount available:
- 1) supplies;
  - 2) duplicating and postage;
  - 3) equipment and maintenance thereof;
  - 4) telecommunications; and
  - 5) other administrative costs reasonably associated with conducting the meetings of RPDCs.
- b) Regional superintendents of education shall use the funds provided to them under Section 21-14(k) of the School Code to pay school districts, charter schools, cooperatives, and joint agreements for:
- 1) travel costs incurred in staff attendance at the meetings of RPDCs and the training seminar that is required pursuant to Section 21-14(q)(2) of the School Code [105 ILCS 5/21-14(q)(2)], including lodging, mileage, per diem (or meal reimbursement, as applicable), and incidentals; and
  - 2) other costs reasonably associated with staff attendance at the meetings of RPDCs and the required training seminar.

## STATE BOARD OF EDUCATION

## NOTICE OF EMERGENCY AMENDMENTS

(Source: Added by emergency rulemaking at 24 Ill. Reg. 9915 - 3, effective June 21, 2000, for a maximum of 150 days)

## STATE BOARD OF EDUCATION

## NOTICE OF EMERGENCY AMENDMENTS

Section 25. APPENDIX B Certificates Available Effective February 15, 2000 July 1, 1999

**EMERGENCY**

## Early Childhood

Provisional Alternative Early Childhood Certificate  
(For Cities of 500,000 or More)  
Standard Alternative Early Childhood Certificate  
(For Cities of 500,000 or More)  
**Provisional Alternative Early Childhood Certificate**  
(Statewide)  
Provisional Early Childhood Certificate  
Initial Early Childhood Certificate  
Initial Alternative Early Childhood Certificate  
Standard Early Childhood Certificate  
Master Early Childhood Certificate

## Elementary

Provisional Alternative Elementary Certificate  
(For Cities of 500,000 or More)  
Standard Alternative Elementary Certificate  
(For Cities of 500,000 or More)  
**Provisional Alternative Elementary Certificate**  
(Statewide)  
Provisional Elementary Certificate  
Initial Elementary Certificate  
Initial Alternative Elementary Certificate  
Standard Elementary Certificate  
Master Elementary Certificate

## Secondary

Provisional Alternative Secondary Certificate  
(For Cities of 500,000 or More)  
Standard Alternative Secondary Certificate  
(For Cities of 500,000 or More)  
**Provisional Alternative Secondary Certificate**  
(Statewide)  
Initial Math-Science Certificate 9-12  
Provisional Secondary Certificate  
Initial Secondary Certificate  
Initial Alternative Secondary Certificate  
Standard Secondary Certificate  
Master Secondary Certificate

## Special

## STATE BOARD OF EDUCATION

## NOTICE OF EMERGENCY AMENDMENTS

**Provisional Alternative Special Certificate**  
(For Cities of 500,000 or More)  
Standard Alternative Special Certificate  
(For Cities of 500,000 or More)  
**Provisional Alternative Special Certificate**  
(Statewide)  
Provisional Special Certificate  
Initial Special K-12 Certificate  
Initial Alternative Special K-12 Certificate  
Standard Special K-12 Certificate  
Master Special K-12 Certificate

## School Service Personnel

Provisional School Service Personnel Certificate  
School Service Personnel Certificate

## Administrative

Provisional Alternative Administrative Certificate  
Administrative Certificate  
(Excluding Acting as Principal/Assistant Principal)  
Provisional Administrative Certificate  
Administrative Certificate

## Other

Substitute Certificate  
General Certificate  
Part-Time Provisional Certificate  
Temporary Provisional Vocational Certificate  
Provisional Vocational Certificate  
Transitional Bilingual Certificate  
Resident Teacher Certificate

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 9915-3 effective June 21, 2000, for a maximum of 150 days)

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## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

1) Heading of the Part: Determination of Need (DON) and Resulting Service Cost Maximums (SCMs)

2) Code Citation: 89 Ill. Adm. Code 679

3) Section Numbers: Emergency Action:  
679.50 Amended

4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

5) Effective Date of Amendments: July 1, 2000

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A

7) Date filed with the Index Department: June 22, 2000

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: Actions by the State legislature have increased the rate of pay to Personal Attendants by 16.79% to \$7.00 an hour. Without this emergency amendment the health and welfare of new Home Services customers would be harmed because the service needs could not be met under the old Service Cost Maximums. The emergency adoption of this amendment will allow the new SCMs to be used effective July 1, 2000 when the rate increase is required by the new statute.

10) A Complete Description of the Subject and Issues Involved: The amendment of this rulemaking increases the Service Costs Maximums by 16.7% to allow the new rate for Personal Attendants to be paid without forcing a reduction in the hours of service to new customers.

11) Are there any other amendments pending on this Part: No

12) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

13) Information and questions regarding this amendment shall be directed to:

Ms. Susan Weir, Bureau Chief  
Bureau Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor Harris Bldg.  
Springfield, Illinois 62762

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## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

(217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

The full text of the Emergency Amendments begins on the next page:

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER d: HOME SERVICES PROGRAM

## PART 679

## DETERMINATION OF NEED (DON) AND RESULTING SERVICE COST MAXIMUMS (SCMs)

## Section 679.10

## General Provisions

679.20 Composition of the DON

679.30 Scoring of the DON Except for Respite Cases

679.40 Scoring the DON for Respite Cases

679.50 Service Cost Maximums (SCMs)

EMERGENCY

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

SOURCE: Adopted at 19 Ill. Reg. 5062, effective March 21, 1995; amended at 20 Ill. Reg. 6303, effective April 18, 1996; amended at 21 Ill. Reg. 2674, effective February 7, 1997; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; emergency amendment at 22 Ill. Reg. 2328, effective January 12, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 10445, effective May 29, 1998; emergency amendment at 22 Ill. Reg. 16031, effective August 14, 1998, for a maximum of 150 days; emergency expired on January 11, 1999; amended at 23 Ill. Reg. 1615, effective January 20, 1999; amended at 23 Ill. Reg. 7492, effective June 17, 1999; emergency amendment at 23 Ill. Reg. 10526, effective August 10, 1999, for a maximum of 150 days; amended at 24 Ill. Reg. 285, effective December 23, 1999; amended at 24 Ill. Reg. 6563, effective May 1, 2000; emergency amendment at 24 Ill. Reg. 9966, effective July 1, 2000, for a maximum of 150 days.

## Section 679.50 Service Cost Maximums (SCMs)

EMERGENCY

- a) For each individual meeting the minimum required DON scores for eligibility (see 89 Ill. Adm. Code 682), there is a corresponding Service Cost Maximum (SCM) for his/her DON score which is the maximum amount that may be expended for services through HSP for an individual who chooses HSP services over institutionalization. This amount directly corresponds to the amount the State would expect to pay for the nursing care component of institutionalization if the individual chose institutionalization.

- b) The SCMs for individuals served under the HSP Medicaid Waiver are:

Total DON Score SCM

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

29 through 32 \$1114 ---955  
33 through 40 \$1250 --17097  
41 through 49 \$1424 --17226  
50 through 59 \$1705 --17461  
60 through 69 \$2004 --17717  
70 through 79 \$2167 --17857  
80 through 100 \$2329 --17996

- c) The SCMs for individuals served under the AIDS Medicaid Waiver are:

Total DON Score	SCM
29 through 32	\$1435 --17236
33 through 40	2151 --17043
41 through 49	2868 --27458
50 through 59	3586 --37073
60 through 69	4304 --37688
70 through 79	5019 --47381
80 through 100	5738 --47917

- d) The SCM for individuals served through the Medicaid Waiver for Ventilator Assisted Individuals shall be no higher than the comparable institutionalized cost of care for the individual, less the costs for equipment and supplies.
- e) The SCM for an individual may be exceeded on a monthly basis to meet a temporary increase in need for services as long as the average monthly cost for services during the twelve month period does not exceed the SCM. Such an increase in services shall not last more than 3 months.
- f) The monthly SCMs for individuals served under the Medicaid Waiver for Persons with a Brain Injury are:

Total DON Score	SCM
29 through 32	\$1242 --17064
33 through 40	1378 --17181
41 through 49	1531 --17312
50 through 59	1835 --17572
60 through 69	2157 --17848
70 through 79	2332 --17999
80 through 100	2507 --27148

- (Source: Amended by emergency rulemaking at 24 Ill. Reg. 9966, effective July 1, 2000, for a maximum of 150 days)

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF EMERGENCY RULES

- 1) Heading of the Part: Diesel Emission Inspection Program

- 2) Code Citation: 92 Ill. Adm. Code 460

- 3) Section Numbers: Emergency Action:

460.100 New Section  
 460.110 New Section  
 460.120 New Section  
 460.130 New Section  
 460.140 New Section  
 460.150 New Section  
 460.200 New Section  
 460.210 New Section  
 460.220 New Section  
 460.230 New Section  
 460.240 New Section  
 460.250 New Section  
 460.300 New Section  
 460.310 New Section  
 460.320 New Section  
 460.330 New Section  
 460.400 New Section  
 460.410 New Section  
 460.500 New Section  
 460.510 New Section  
 460.520 New Section  
 460.600 New Section  
 460.605 New Section  
 460.610 New Section  
 460.620 New Section

- 4) Statutory Authority: Implementing and authorized by Sections 13-109.1 and 13-114 of the Illinois Vehicle Inspection Law [625 ILCS 5/13-109.1 and 13-114] (See P.A. 91-254 and P.A. 91-865, effective July 1, 2000.)

- 5) Effective Date of Rules: July 1, 2000

- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: This rule will expire at the end of the 150-day period.

- 7) Date Filed with the Index Department: June 26, 2000

- 8) A copy of the emergency rule, including any material incorporated by reference, is on file in the Department's Division of Traffic Safety and is available for public inspection:

- 9) Reason for Emergency: The first reason is that P.A. 91-254 that created the diesel emission inspection program takes effect on July 1, 2000. The

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF EMERGENCY RULES

proposed rule to implement this program was published on April 21, 2000, and would not become a final rule at the earliest until late in July, 2000. As a result of comments made by General Assembly members after the proposed rule was published, it has become clear to the Department that the General Assembly expects diesel emission testing to begin on July 1, 2000. This emergency rule is necessary so that the Department can begin testing on July 1, 2000.

The second reason follows the first. On June 22, 2000, Governor Ryan signed into law P.A. 91-865, amending, among other things, Section 13-114 of the Illinois Vehicle Code, 625 ILCS 5/13-114. That law takes effect on July 1, 2000. The amendment to this Section removes thousands of vehicles operated by interstate carriers of property in an "affected area" and registered in Illinois from the requirement to be annually diesel emission inspected. As the Department's proposed rulemaking for 92 Ill. Adm. Code 460 is based on the law as it existed prior to P.A. 91-865, it requires those vehicles to be so inspected. The emergency rule is necessary to reflect this major change in the law as of July 1, 2000.

- 10) A Complete Description of the Subjects and Issues Involved: By this Notice of Emergency Rules, the Department is establishing the Diesel Emission Inspection Program as mandated by P.A. 91-254 and P.A. 91-865, effective July 1, 2000. A brief Section by Section analysis follows:

Section 460.100 Purpose

This Part establishes requirements to be followed by an owner of a diesel-powered vehicle registered within an affected area in Illinois that is subject to a diesel emission inspection in accordance with Section 13-109.1 of the Illinois Vehicle Inspection Law [625 ILCS 5/13-109.1]. Inspection, compliance and enforcement procedures are also covered by this Part.

Section 460.110 Definitions

Terms used throughout this Part to describe the diesel emission inspection program are defined in this Section.

Section 460.120 Applicability

This Part is applicable to Intrastate Carriers of Property or Passengers and Interstate Carriers of Passengers. Diesel-powered farm vehicles registered as farm trucks are exempt from this Part. Finally, units of local government within the affected areas, including home rule units, cannot require or conduct a diesel emission inspection program that does not meet or exceed the standards in this Part.

Section 460.130 Address for Correspondence



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF EMERGENCY RULES

The address for correspondence pertaining to this Part is provided in this Section.

#### Section 460.140 Incorporation by Reference and Cutoff Standards

The Department is incorporating by reference the Society of Automotive Engineers (SAE) Recommended Practice J1667 "Snap-Acceleration Smoke Test Procedure for Heavy-Duty Diesel-Powered Vehicles," February 1996 edition, and the United States Environmental Protection Agency (USEPA) "Guidance to States on Smoke Opacity Cutoffpoints to be used with the SAE J1667 In-Use Smoke Test Procedure," April 1997 edition. The Department has also set out in this Section the opacity cutoffpoint standards that are recommended by the above-mentioned SAE guide.

#### Section 460.200 Official Testing Station Requirements

##### Section 460.210 Private Official Testing Stations

These Sections set out the general requirements an Official Testing Station, public or private, permitted by the Department and located in an affected area, must follow when conducting diesel emission inspections in accordance with 625 ILCS 5/13-109.1. Among other things, Section 460.200 provides for the obtaining of diesel emission inspection equipment by a public Station free of charge from the Department at the time it is permitted to perform emission inspections as long as the Department still has equipment available. The Department purchased enough equipment to supply all public Official Testing Stations in the affected areas existing upon the enactment of P.A. 91-254 and P.A. 91-965. Priority for furnishing equipment will be based upon the date a Station is permitted to perform diesel emission inspections. When the Department's supply of equipment runs out, any owner of a public Official Testing Station who opens a Station will be required to purchase the equipment necessary for compliance with this Part. Private Stations must purchase their own Department approved diesel emission inspection equipment regardless of the date of purchase.

#### Section 460.220 Responsibilities of Official Testing Station Owner (Public and Private)

This Section addresses the responsibilities of a Station Owner with respect to such things as the training of employees to become Certified Diesel Emission Testers, the conducting of diesel emission inspections, the maintenance of diesel emission inspection equipment, the repairs of malfunctioning equipment, the payment of money to the Department for the certificate used to validate the diesel emission inspections, the surrendering of a Station's permit for cause, and, finally, for compliance with this Part.

#### Section 460.230 Responsibilities of Certified Diesel Emission Tester

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF EMERGENCY RULES

This Section contains, among other things, the requirements for becoming a Certified Diesel Emission Tester (CDTE), including the testing involved for certification and the requirements for maintaining certification as a CDTE. Additionally, the responsibilities of the CDTE - such as, having sole physical control of the vehicle being tested during the entire diesel emission inspection - are contained in this Section.

#### Section 460.240 Supervision of Official Testing Station and Enforcement of Department Policies

This Section contains the responsibilities for those individuals authorized by the Department - Vehicle Compliance Inspectors and administrative personnel employed by the Department - to conduct announced and unannounced visits to Stations to monitor and enforce this Part. These responsibilities include such things as reviewing CDTE applications, conducting CDTE testing, inspecting the building and equipment, closing a Station when diesel emission inspection equipment is inoperative or inaccurate, inspecting forms and validation certificates, and investigating complaints against a Station or CDTE. An authorized representative of the Department may also issue warning tickets or citations for violations of 625 ILCS 5/Ch. 13 and this Part. Finally, the Department's representative may require a Station Owner to cease diesel emission inspections upon suspension or revocation of diesel emission inspection testing privileges.

#### Section 460.250 Diesel Emission Inspection Official Testing Station Equipment, Supplies and Forms

All required diesel emission inspection equipment is on loan to public Official Testing Stations. The equipment is owned by and will remain the property of the Department. The Owner of a public Official Testing Station furnished with diesel emission inspection equipment by the Department must sign the "Diesel Emission Inspection Equipment Bailment Agreement" that assigns responsibility for damage or loss of the equipment due to theft, vandalism, fire or other occurrences, including negligent operation of the equipment, to the Station Owner. This Section also covers validation certificates, forms and supplies and the care and responsibility of those items by the Station Owner.

#### Section 460.300 Vehicle Preparation

##### Section 460.310 Equipment Set-Up

##### Section 460.320 Snap-Acceleration Inspection Procedures

##### Section 460.330 Reporting of Inspection Results

These Sections contain the procedures performed by the CDTE in conducting the actual inspection of a diesel-powered vehicle - the Snap-Acceleration Inspection. Provisions concerning vehicle preparation, set-up of the diesel emission inspection equipment, procedures for the execution of the

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF EMERGENCY RULES

Snap-Acceleration Inspection, and reporting of the inspection results are contained in these Sections.

When a vehicle passes its diesel emission inspection, the results of the inspection will be recorded on the back of a Diesel Emission Inspection Compliance Card (DPICC) and a validation certificate will be attached to the space provided on the card. The DPICC must be kept in the vehicle as proof of compliance.

Section 460.330 also outlines procedures for vehicles that fail to meet minimum cutoffpoint standards. In this case, a 30-Day Warning Notice card is issued along with an explanation that the vehicle must be repaired and reinspected at the same Station within 30 days or the vehicle will be placed out-of-service. Finally, Section 460.330 also details the responsibilities of the Station Owner with respect to diesel emission inspection printer tapes.

Section 460.400 Rates and ChargesSection 460.410 Rate Change Procedure

The Department has determined that the following rates are just and reasonable and are deemed to be filed by the Station with the Department. These rates may be changed upon application of the Owner of a Station or complaint of any person. Procedures for changing the rates are set out in Section 460.410. The rates are as follows:

Initial Diesel Emission Inspection: \$30

Reinspection - Diesel Emission Inspection: \$25

No other rate or charge will apply.

Section 460.500 Diesel Emission Inspection 30-Day Warning Notice

This Section further explains the 30-Day Warning Notice mentioned in Section 460.330. Corrections that may be made to improve test results on a vehicle that needs reinspecting are also listed in this Section.

Section 460.510 Diesel Emission Inspection Out-of-Service Order

When a vehicle fails to pass a reinspection within 30 days of receipt of a 30-Day Warning Notice and the Owner has not obtained a waiver in accordance with the requirements under Section 460.600, an out-of-service order will be sent to the company that owns or operates the vehicle. A vehicle remains out-of-service until a diesel emission reinspection is passed or a waiver is obtained.

Section 460.520 Diesel Emission Inspection Enforcement

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF EMERGENCY RULES

This Section describes the enforcement of the out-of-service order by the Secretary of State, the Department of State Police and other law enforcement officers during roadside enforcement activities. Operating a vehicle in violation of an out-of-service order is a petty offense punishable by a \$1,000 fine.

Section 460.600 Diesel Emission Inspection Waiver Requirements for Failing Inspection and Reinspection

A Certificate of Waiver for Failing an Inspection and Reinspection will be issued to the owner of a diesel-powered vehicle when the requirements of this Section are met. A waiver will be denied when all of the waiver criteria set forth in this Section have not been met. A Certificate of Waiver must be kept in the vehicle as proof of diesel emission inspection compliance. A Certificate of Waiver does not expire.

Section 460.605 Diesel Emission Inspection Waiver Requirements for an Ungoverned Vehicle

When the owner of a diesel-powered vehicle without a device to govern engine revolutions per minute provides the Department with a letter from the vehicle manufacturer or dealer affirming that the vehicle was manufactured ungoverned, the vehicle will be exempt from meeting the requirements of this Part.

The waiver request will be denied without proof in the form of a letter from the vehicle manufacturer that the vehicle was manufactured ungoverned.

Section 460.610 Grievance Procedures

The Department will conduct an investigation upon receiving a petition from any person aggrieved by a decision regarding the failure of a diesel emission reinspection. A person denied a waiver may also petition the Department for an investigation of that decision. Upon receipt of the grievance by the Department, an investigation is conducted during which the vehicle in question is declared out-of-service. The investigation will be concluded within 45 days and a determination of the correctness or incorrectness of the decision precipitating the grievance will be made. The Department's determination is the final administrative action available to a person filing a grievance.

Section 460.620 Replacement of Diesel Emission Inspection Compliance Card

This Section contains procedures for obtaining a replacement DPICC.

Elsewhere in this issue of the *Illinois Register*, the Department is withdrawing the proposed rule on diesel emission inspections currently in

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF EMERGENCY RULES

the rulemaking process as that rulemaking has become obsolete. The Department will publish a new set of proposed rules identical to this emergency rule in the very near future.

- 11) Are there any Proposed Amendments to this Part pending: No
- 12) Statement of Statewide Policy Objectives: This rulemaking will affect units of local government that operate diesel-powered vehicles registered for a gross weight of more than 16,000 pounds within the affected areas that are 2 years or older models.

13) Information and questions regarding this rule shall be directed to:

By U.S. Mail:

Ms. Cathy Allen  
Regulations Unit  
Illinois Department of Transportation  
Division of Traffic Safety  
P.O. Box 19212  
Springfield, Illinois 62794-9212  
(217) 785-1181

By Messenger or Inter-Agency Mail:

DOT Annex Building  
3215 Executive Park Drive  
Commercial Vehicle Safety; 3rd Floor  
Springfield, Illinois

The full text of the Emergency Rules begins on the next page:

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF EMERGENCY RULES

TITLE 92: TRANSPORTATION  
CHAPTER I: DEPARTMENT OF TRANSPORTATION  
SUBCHAPTER e: TRAFFIC SAFETY (EXCEPT HAZARDOUS MATERIALS)

## PART 460

## DIESEL EMISSION INSPECTION PROGRAM

## SUBPART A: GENERAL

Section	Purpose
460.100	EMERGENCY
460.110	Definitions
460.120	EMERGENCY
460.130	Applicability
460.140	EMERGENCY
460.150	Address for Correspondence
460.160	EMERGENCY
460.170	Incorporation by Reference and Cutpoint Standards
460.180	EMERGENCY

SUBPART B: OFFICIAL TESTING STATION REQUIREMENTS FOR DIESEL  
EMISSION INSPECTIONS

Section	Official Testing Station Requirements
460.200	EMERGENCY
460.210	Private Diesel Official Testing Stations
460.220	EMERGENCY
460.230	Responsibilities of Official Testing Station Owner (Public and Private)
460.240	Responsibilities of Certified Diesel Emission Tester
460.250	EMERGENCY
460.260	Supervision of Official Testing Station and Enforcement of Department Policies
460.270	EMERGENCY
460.280	Diesel Emission Inspection Official Testing Station Equipment, Supplies and Forms
460.290	EMERGENCY

SUBPART C: PROCEDURES FOR PERFORMING THE  
SNAP-ACCELERATION INSPECTION

Section	Vehicle Preparation
460.300	EMERGENCY
460.310	Equipment Set-Up
460.320	EMERGENCY
460.330	Snap-Acceleration Inspection Procedures
460.340	EMERGENCY

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF EMERGENCY RULES

EMERGENCY  
460.330 Reporting of Inspection Results  
EMERGENCY

## SUBPART D: LEVEL OF RATES AND CHARGES

Section  
460.400 Rates and Charges  
EMERGENCY  
460.410 Rate Change Procedure  
EMERGENCY

## SUBPART E: WARNING NOTICES, OUT-OF-SERVICE ORDER AND ENFORCEMENT

Section  
460.500 Diesel Emission Inspection 30-Day Warning Notice  
EMERGENCY  
460.510 Diesel Emission Inspection Out-of-Service Order  
EMERGENCY  
460.520 Diesel Emission Inspection Enforcement  
EMERGENCY

## SUBPART F: WAIVER REQUIREMENTS, GRIEVANCE AND REPLACEMENT PROCEDURES

Section  
460.600 Diesel Emission Inspection Waiver Requirements for Failing  
EMERGENCY Inspection and Reinspection  
460.605 Diesel Emission Inspection Waiver Requirements for an Ungoverned  
EMERGENCY Vehicle  
460.610 Grievance Procedures  
EMERGENCY  
460.620 Replacement of Diesel Emission Inspection Compliance Card  
EMERGENCY

AUTHORITY: Implementing and authorized by Sections 13-109.1 and 13-114 of the Illinois Vehicle Inspection Law [625 ILCS 5/13-109.1 and 13-114]. (See P.A. 91-254 and P.A. 91-865, effective July 1, 2000.)

SOURCE: Emergency rules adopted at 24 Ill. Reg. 9970 --, effective July 1, 2000, for a maximum of 150 days.

SUBPART A: GENERAL

Section 460.100 Purpose  
EMERGENCY

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF EMERGENCY RULES

This Part establishes the requirements and procedures to be followed by an owner/operator of a diesel-powered vehicle registered within an affected area in the State of Illinois that is subject to a diesel emission inspection in accordance with Section 13-109.1 of the Illinois Vehicle Inspection Law (the Law) [625 ILCS 5/13-109.1]. Additionally, inspection, compliance and enforcement procedures are covered by this Part and establish the Diesel Emission Inspection Program.

Section 460.110 Definitions  
EMERGENCY

As used in this Part:

"Affected Areas" means the counties of Cook, DuPage, Lake, Kane, McHenry, Will, Madison, St. Clair, and Monroe and the townships of Aux Sable and Goose Lake in Grundy County and the township of Oswego in Kendall County. [625 ILCS 5/13-100.1]

"Applicant" means any individual Owner, partners, authorized agent of a corporation, or lessee applying for an Official Testing Station Permit.

"Authorized Diesel Emission Inspection Equipment" means those testing and measuring devices approved and required by the Department's Commercial Vehicle Safety Section for applicable Official Testing Stations' diesel emission inspection procedures.

"Authorized Representative of the Department" means vehicle compliance inspectors and administrative personnel employed by the Illinois Department of Transportation.

"Certified Diesel Emission Tester (CDET)" means an individual who is employed at an Official Testing Station and who has passed a written exam and who has demonstrated proficiency by operating and calibrating the authorized diesel emission inspection equipment and who has been issued a certificate by the Department.

"Certified Safety Tester (CST)" means an individual who is employed at an Official Testing Station and who has passed a written exam and who has demonstrated proficiency in the operation of authorized safety test equipment and who has been issued a certificate by the Department.

"Code" means the Illinois Vehicle Code [625 ILCS 5].

"Commercial Vehicle Safety Section (CVSS)" means a section of the Bureau of Safety Programs of the Division of Traffic Safety of the Illinois Department of Transportation.

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include, but are not limited to, Diesel Emission Inspection Compliance Cards, Diesel Emission Inspection 30-Day Warning Notices, and Validation Certificates. All supplies remain the property of the Commercial Vehicle Safety Section.

"Diesel-Powered Vehicle" or "Diesel Vehicle" means a motor vehicle registered for a gross weight of more than 16,000 pounds, powered by an internal combustion, compression ignition, diesel fueled engine.

"Diesel Smoke" means particles, including aerosols, suspended in the exhaust stream of a diesel engine that absorb, reflect, or refract light.

"Director" means the Director of the Division of Traffic Safety for the Illinois Department of Transportation.

"Division" means the Division of Traffic Safety for the Illinois Department of Transportation.

"Effective Optical Path Length (L)" means the length of the smoke-obscured optical path between the smoke opacimeter light source and detector.

"Emergency Vehicle" means vehicles of municipal departments or public service corporations that are designated or authorized as such by proper local authorities, including, but not limited to, police vehicles, vehicles of fire departments and ambulances.

"Emission Control Devices" means those components of a vehicle that were designed and are used to control vehicle exhaust and evaporative system emissions. For purposes of this Part, this term refers to components with which the vehicle was originally equipped or direct replacements.

"Gross Weight" means the weight of a vehicle whether operated singly or in combination without load plus weight of the load thereon. [625 ILCS 5/1-125]

"Gross Vehicle Weight Rating (GVWR)" means the value specified by the manufacturer or manufacturers as the maximum loaded weight of a single vehicle. [625 ILCS 5/1-124.5]

"Illinois Vehicle Inspection Law (the Law)" means 625 ILCS 5/Ch. 13.

"Intrastate Carrier of Passengers" means any person engaged in the transportation of passengers solely within Illinois.

"Intrastate Carrier of Property" means any person engaged in the

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"Cutpoint Standards" means criteria established in the United States Environmental Protection Agency document "Guidance to States on Smoke Opacity Cutpoints to be used with the SAE J1167 In-Use Smoke Test Procedure." (See Section 460.140 for cutpoint standards.)

"Department" means the Department of Transportation of the State of Illinois, acting directly or through its authorized agents or officers. [625 ILCS 5/13-100]

"Diesel Emission Inspection Certificate of Waiver for Failing Inspection" means a certificate issued in accordance with Section 460.600 of this Part to the owner/operator of a vehicle that has failed a diesel emission inspection and reinspection but who has complied with all applicable waiver requirements in accordance with Section 460.600.

"Diesel Emission Inspection Certificate of Waiver for an Ungoverned Vehicle" means a certificate issued in accordance with Section 460.605 of this Part to the owner/operator of a vehicle whose motor was manufactured ungoverned but who has complied with all applicable waiver requirements in accordance with Section 460.605.

"Diesel Emission Inspection Compliance Card" means the document presented to the vehicle owner/operator if his/her vehicle passes a diesel emission inspection. The card is validated by the presence of the Validation Certificate that is attached to the card in the form of an adhesive sticker and is required to be present in the cab of the vehicle.

"Diesel Emission Inspection 30-Day Warning Notice" means the document presented to the vehicle owner/operator if the vehicle fails the diesel emission inspection. The vehicle's owner/operator is required to return to the Station within 30 days for a reinspection.

"Diesel Emission Inspection Equipment" means the equipment required to be used by the Certified Diesel Emission Tester to inspect a diesel-powered vehicle and to submit the results of the inspection to the Department. The equipment includes, but is not limited to, the Department-approved smoke opacimeter, a workstation (i.e., laptop computer), and printer tape.

"Diesel Emission Inspection Official Testing Stations" means those Stations located within the affected areas and required to participate in the Diesel Emission Inspection Program.

"Diesel Emission Inspection Supplies (Supplies)" means all items issued to an Official Testing Station by the Commercial Vehicle Safety Section in order to conduct a diesel emission inspection. Items



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transportation of property solely within Illinois.

"Interstate Carrier of Passengers" means any person engaged in the transportation of passengers between a place in a state and a place outside of such state or between two places in a state through another state or a place outside the United States.

"Manufacturer" (unless otherwise indicated at the point of use) means the person or organization whose name follows "MANUFACTURED BY" or "MFD BY" on the federal certification label.

"Model Year" means the year of manufacture of a vehicle based upon the annual production period of the vehicle as designated by the manufacturer and indicated on the title and registration of the vehicle. If the manufacturer does not designate a production period for the vehicle, then "model year" means the calendar year of manufacture. [625 ILCS 5/1-144.05]

"Non-exempt Vehicle" means any vehicle subject to diesel emission inspections as required by this Part.

"Official Testing Station(s) (the Station)" means all contiguous real and personal property that houses the equipment and supplies relating to the diesel emission inspection of vehicles. Official Testing Stations are privately-owned businesses that are regulated by the Department. Official Testing Stations are classified as either public or private. Public Stations are open to the public. Private Stations are established by companies for the purpose of inspecting vehicles owned or operated by the company. Private Stations are not open to the public.

"Official Testing Station Permit (Permit)" means evidence issued by the Commercial Vehicle Safety Section granting the Owner named thereon the privilege of serving as an agent of the State of Illinois within the limitations set forth in Section 13-103 of the Law.

"Opacity (N)" means the percentage of light transmitted from a source that is prevented from reaching a light detector.

"Operated within the Affected Area" means any vehicle that is physically within the affected area at any time, whether stationary or in motion.

"Out-of-Service Order" means a temporary prohibition against driving a commercial motor vehicle. [625 ILCS 5/1-154.5]

"Owner" means any individual, partners, authorized agent of a corporation, lessee, or other person in whose name an Official Testing

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Station Permit has been issued. Such person(s) is responsible for the lawful operation of the Station's diesel emission inspection program.

"Owner/Operator" means the person who presents the diesel-powered vehicle at the Station for inspection, commonly referred to as the vehicle's driver.

"Part" means the regulations contained in this document that are located at 92 Ill. Adm. Code 460.

"Person" means every natural person, firm, copartnership, association or corporation. [625 ILCS 5/1-159]

"Rate or Charge" means the monetary charge (i.e., \$30) authorized by 625 ILCS 5/13-106 to any person offering a vehicle for a diesel emission inspection pursuant to 625 ILCS 5/13-109.1.

"Recognized Repair Technician" means a person professionally engaged in vehicle repair, employed by a company in operation whose purpose is vehicle repair, or possessing nationally recognized certification for emission related diagnosis and repair.

"Secretary" means the Secretary of the Illinois Department of Transportation.

"Smoke Density (K)" means a fundamental means of quantifying the ability of a smoke plume or smoke containing gas sample to obscure light.

"Smoke Opacimeter" means a type of smoke meter designed to measure the opacity of a plume or sample of smoke by means of a light extinction principle.

"Smoke Meter Measurement Zone" means the effective length between the smoke meter light source and the light detector through which exhaust gases pass and interact with the smoke meter light beam.

"Snap-Acceleration Inspection" means the method used to test a diesel-powered vehicle to determine the quality of diesel exhaust fumes being released into the atmosphere.

"Station" means the Official Testing Station.

"Transmittance (T)" means the fraction of light transmitted from a source that reaches a light detector.

"Validation Certificate" means the sticker attached by the CDOT to the Diesel Emission Inspection Compliance Card after the vehicle passes a

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diesel emission inspection.

## Section 460.120 Applicability

## EMERGENCY

- a) Intrastate Carriers of Property or Passengers and Interstate Carriers of Passengers:  
*Effective July 1, 2000, each diesel-powered vehicle that is registered for a gross weight of more than 16,000 pounds, that is registered within the affected area (as defined in Section 460.110) and that is a 2 year or older model year shall be inspected annually for compliance with this Part. (625 ILCS 5/13-109.1)*
- b) *Diesel-powered vehicles being operated on plates issued pursuant to Section 3-815(c) of the Code (Farm Truck Registration (i.e., license plate)) are exempt from the diesel emission inspection requirements set forth in this Part. (625 ILCS 5/13-109.3)*
- c) *Units of local government within the affected areas, including home rule units, shall not require or conduct a diesel emission inspection program that does not meet or exceed the standards of the diesel emission inspection provided for in this Part. (625 ILCS 5/13-117)*

## Section 460.130 Address for Correspondence

## EMERGENCY

All business and correspondence pertaining to the diesel emission inspection program shall be addressed to:

Illinois Department of Transportation  
Division of Traffic Safety  
Commercial Vehicle Safety Section  
3215 Executive Park Drive  
P.O. Box 19212  
Springfield, Illinois 62794-9212  
(217) 557-6081

## Section 460.140 Incorporation by Reference and Outpoint Standards

## EMERGENCY

The following materials are incorporated by reference as of the edition date provided below. No later amendments to or editions of the following documents are incorporated. Copies of these materials are available for inspection at the Department's Commercial Vehicle Safety Section at the address provided in Section 460.130.

- a) Society of Automotive Engineers (SAE) Recommended Practice J1667 "Snap-Acceleration Smoke Test Procedure for Heavy-Duty Diesel-Powered Vehicles," revised February 1996.

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The opacity cutpoints recommended by this guidance that will be used as a standard for this program shall not exceed:

- 40% opacity for vehicles model year 1991 and newer;
- 55% opacity for vehicles model year 1974 to 1990;
- Until December 31, 2002, 70% for vehicles model year 1973 and older; and
- After January 1, 2003, 55% for vehicles model year 1973 and older.

- b) United States Environmental Protection Agency (USEPA) "Guidance to States on Smoke Opacity Cutpoints to be used with the SAE J1667 In-Use Smoke Test Procedure," issued April 1997.

SUBPART B: OFFICIAL TESTING STATION REQUIREMENTS FOR DIESEL EMISSION INSPECTIONS

## Section 460.200 Official Testing Station Requirements

## EMERGENCY

- a) Diesel emission inspections shall be conducted at Official Testing Stations permitted by the Illinois Department of Transportation (the Department). The annual diesel emission inspection may be conducted in conjunction with the annual or semi-annual safety inspections.
- b) This Part establishes the requirements and procedures to be followed by an Official Testing Station in order to implement Section 13-109.1 of the Law (625 ILCS 5/13-109.1).
- c) The Department has purchased enough diesel emission inspection equipment to supply all public Official Testing Stations in the affected areas existing upon the enactment of P.A. 91-254 and P.A. 91-865. That equipment will be furnished by the Department at no charge to any public Official Testing Station at the time it is permitted to perform emission inspections as long as the Department still has equipment available. Priority for furnishing equipment will be based upon the date a Station is permitted to perform diesel emission inspections. When the Department's supply of equipment runs out, any Owner of a public Official Testing Station who opens a Station will be required to purchase the equipment necessary for compliance with this Part.
- d) Any private Official Testing Station permitted under Section 13-103 of the Law may conduct diesel emission inspections on its own vehicles in accordance with this Part. A new category of Official Testing Station is established for vehicle owners who want to conduct only diesel emission inspections on their own vehicles. The new category of Station will be referred to as a Private Diesel Official Testing Station (PDOTS). Both categories of private Official Testing Stations will be required to purchase their own diesel emission inspection equipment.

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- e) The Official Testing Station (the Station) or the property the Station is located on must be of sufficient size to accommodate a vehicle as large as a tractor trailer combination unit.
- f) Diesel emission inspections may be performed outside the Station on the property where the Station is located.
- g) Those Stations performing diesel emission inspections inside the Station must provide sufficient ventilation to prevent persons from becoming overcome by exhaust fumes.
- h) A working telephone must be located in the Station to electronically transmit diesel emission inspection data to the Department via the Internet.
- i) Public Stations located within the affected areas and permitted to conduct diesel emission inspections must perform a diesel emission inspection for each vehicle presented for such an inspection.
- j) Each Station permitted to perform diesel emission inspections must have at least one Certified Diesel Emission Tester with a current and valid certificate.
- k) No diesel emission inspection shall be conducted unless the Station's permit is valid and designates that the Station provides diesel emission inspections.
- l) All diesel emission inspections shall be conducted on the property identified on the Official Testing Station permit.

**Section 460.210 Private Diesel Official Testing Stations****EMERGENCY**

- a) Private Diesel Official Testing Stations (PDOTS) may be established by persons or municipalities or other governmental entities that own or lease at least 25 diesel-powered vehicles subject to diesel emission inspections.
- b) PDOTS are not open to the public.
- c) PDOTS shall notify the Department by telephone at least one working day prior to performing five or more diesel emission inspections in one week. An authorized representative of the Department may be present at the time of inspection.
- d) PDOTS shall provide, at their own expense, diesel emission inspection equipment approved by the Department.
- e) The Department shall provide to PDOTS diesel emission inspection supplies necessary to conduct diesel emission inspections. PDOTS must purchase Validation Certificates from the Department for one dollar each.
- f) PDOTS shall electronically transmit diesel emission inspection data to the Department via the Internet.
- g) PDOTS shall conduct all diesel emission inspections on the property of the facility to which the Official Testing Station permit is issued.
- h) PDOTS shall conduct all diesel emission inspections in accordance with this Part.

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**Section 460.220 Responsibilities of Official Testing Station Owner (Public and Private)**  
**EMERGENCY**

- a) The Owner shall require all Certified Diesel Emission Testers (CDET) to comply with this Part.
- b) The Owner of an Official Testing Station shall notify the CVSS in writing when he/she or his/her employees wish(es) to make application to become a CDET. The letter of request must include the Station's phone number and address as well as the applicant's:
  - 1) Full name;
  - 2) Date of birth;
  - 3) Driver's license number; and
  - 4) Photo which measures at least two inches by two inches but no more than three inches by three inches.
- c) The Owner is responsible for the training of employees on the equipment and inspection procedures before the employee is tested by an authorized representative of the Department to become a CDET.
- d) The Owner shall notify the CVSS as soon as he/she is aware that neither he/she nor any of his/her employees are eligible to conduct diesel emission inspections, e.g., when a CDET is no longer employed at the Station. Failure to have at least one employee who is certified to conduct diesel emission inspections automatically suspends the Official Testing Station's diesel emission inspection permit until such time as the Owner or an employee becomes certified to conduct diesel emission inspections.
- e) The Owner shall notify the CVSS as soon as he/she is aware that his/her Official Testing Station is not eligible to conduct diesel emission inspections, e.g., the Station is closed for vacation. If the Official Testing Station is not eligible to conduct diesel emission inspections for more than 30 days, an authorized representative of the Department must approve resumption of the diesel emission inspection program.
- f) The Owner is responsible for maintaining the equipment in proper calibration and for maintaining the Station in proper condition as required by 92 Ill. Adm. Code 451. After the diesel emission inspection equipment's manufacturer's warranty and maintenance program expires, the Owner is responsible for maintaining the diesel emission inspection equipment in proper working order.
- g) It shall be the Owner's responsibility to cease conducting diesel emission inspections when any piece of that equipment malfunctions.
  - 1) Equipment malfunctions and subsequent closure shall be reported to the CVSS as soon as the Owner is aware of the malfunction.
  - 2) Diesel emission inspections shall not be resumed until repairs are completed and approval is secured from an authorized representative of the Department. An authorized representative of the Department will confirm that the diesel emission inspection equipment is working in accordance with the

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- h) It shall be the Owner's responsibility to maintain a quantity of diesel emission inspection supplies to accommodate vehicles presented for original inspection or returned for reinspection. If a Station does not have a quantity of diesel emission inspection supplies to issue to a vehicle returning for a reinspection, the inspection fee shall be refunded to the vehicle owner/operator.
- i) The Owner shall be responsible for the proper security and handling of the diesel emission inspection supplies.
- j) It shall be the Owner's responsibility to immediately notify the CVSS of any change in diesel emission inspection equipment.
- k) It shall be the Owner's responsibility to provide funds to the Department to cover the cost of Validation Certificates to perform diesel emission inspections (i.e., one dollar per Certificate), either through transmittal of appropriate funds or through use of a previously established credit balance. These procedures are currently in operation according to 92 Ill. Adm. Code 451.140.
- l) Validation Certificate fees shall be paid to: TREASURER, STATE OF ILLINOIS, by the Station for each Certificate issued. The Station shall only charge the authorized fee when issuing a Certificate (i.e., one dollar). The authorized fee for the Validation Certificate is included in the rates or charges established in Section 460.400.
- m) If an Official Testing Station Permit is suspended or revoked pursuant to Section 460.240(p), performance of any and all diesel emission inspection activities shall be prohibited for the duration of the suspension or revocation. It shall be the Owner's responsibility to surrender the Station permit and diesel emission inspection equipment and supplies as requested by an authorized representative of the Department on the date the suspension begins. The Owner shall be responsible for making certain all employees honor the terms of the suspension or revocation.
- n) It shall be the Owner's responsibility to see that all diesel emission inspections are conducted in accordance with this Part.

#### Section 460.230 Responsibilities of Certified Diesel Emission Tester EMERGENCY

- a) Persons interested in becoming a Certified Diesel Emission Tester (CDET) must meet the following requirements:
- 1) Be at least eighteen years of age; and
  - 2) Possess a valid driver's license.
- b) Every applicant must accomplish the following before certification as a CDET to conduct diesel emission inspections is awarded:
- 1) Pass a written test based on this Part with a passing score of at least 70%.
  - 2) Demonstrate proficiency by properly operating and calibrating the diesel emission inspection equipment at the Station where employed.

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- c) The Station Owner may request retesting of a CDET applicant who failed the initial examination.
- 1) A person who failed any part of the initial examination shall wait a period of 15 days before reapplying.
  - 2) A person who fails a second time shall wait a period of 30 days before reapplying.
  - 3) After three failures within one 12 month period, a person is not eligible to take the examination for a period of one year from the date of the last failure.
- d) A CDET shall conduct a minimum of ten percent of the Station's diesel emission inspections during any calendar year or may be required to successfully pass the written and proficiency examinations to maintain certification. (See subsection (b) of this Section for examination standards.)
- e) If the Official Testing Station where a CDET is employed changes diesel emission inspection equipment, the CDET shall be required to demonstrate proficiency by operating and calibrating the new inspection equipment.
- f) If a CDET leaves the employ of one Official Testing Station and is subsequently hired by another, the latter employer shall request in writing to the Department a transfer of the CDET's certification.
- 1) The CVSS may require the CDET to pass the written and proficiency examinations before the certificate is transferred. (See subsection (b) of this Section for examination standards.)
  - 2) Both tests shall be administered if the lapse in employment at Official Testing Stations exceeds 30 days.
- g) The CDET's certificate remains the property of the CVSS and shall be immediately returned to the CVSS or authorized personnel of the Department if the CDET ceases inspecting vehicles or ceases to be employed by the Official Testing Station; or if the certificate is suspended, canceled or revoked; or if the CDET fails to maintain his certification; or if the CDET's driver's license is expired, canceled, suspended or revoked.
- h) The diesel emission inspection privileges granted by the CDET's certificate shall be subject to cancellation, suspension or revocation by the Department for any violation of this Part. (See 625 ILCS 5/13-108 and 92 Ill. Adm. Code 450 regarding administrative hearings.)
- i) If a CDET's certificate has been suspended for 90 days or more or canceled, the CVSS will require that the CDET pass the written and proficiency examinations prior to recertification.
- j) If an Official Testing Station is inoperative for a period of six months or more, all CDET certificates shall be canceled. Any former CDET shall be required to be reexamined before a certificate is issued.
- k) Failure of a CDET to pass either the proficiency or written portion of any retest shall automatically cancel his/her certification.
- 1) Refusal of a CDET to submit to retesting shall automatically cancel his/her certification and his/her certificate shall be immediately



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- surrendered to an authorized representative of the Department.
- m) No person shall perform a diesel emission inspection unless that person has been certified as a CDERT by the CVSS and that person has been issued a valid certificate by the CVSS. The certificate shall be displayed at the Official Testing Station where the CDERT is employed.
- n) The CDERT shall perform the diesel emission inspection according to procedures established in this Part.
- o) The CDERT shall have sole physical control of the vehicle being tested during the entire diesel emission inspection.
- p) The CDERT shall be responsible for documenting all diesel emission inspection results in the manner prescribed in Section 460.330.
- q) The CDERT who performed the original diesel emission inspection or reinspection shall affix the Validation Certificate to the Diesel Emission Inspection Compliance Card as prescribed in Section 460.330. The Validation Certificate shall be affixed only if the vehicle inspected equals or exceeds all of the requirements of this Part.
- r) The CDERT shall not accept any gratuity from any person for or in connection with an official diesel emission inspection or for the issuance or giving of proof of a diesel emission inspection.

#### Section 460.240 Supervision of Official Testing Station and Enforcement of Department Policies

##### EMERGENCY

During both announced and unannounced visits, authorized representatives of the Department (as defined in Section 460.110) have the responsibility:

- To monitor Official Testing Stations and to enforce this Part.
- To review and approve applications for Official Testing Station permits and Certified Diesel Emission Tester (CDERT) certificates.
- To conduct written and proficiency tests for persons applying to become a CDERT. (See Section 460.230 for testing standards and procedures.) To conduct tests for persons who have been requested by the Department to be retested, e.g., not performing a minimum of 10% of diesel emission inspections annually.
- To inspect building, equipment and adjacent roadway or alleys for compliance with Official Testing Station requirements, or any conditions that affect the entrance and exit of vehicles. (See 92 Ill. Adm. Code 431.110(b) for Official Testing Station classification requirements.)
- To inspect diesel emission inspection equipment for cleanliness, operability and accuracy.
- To require the Owner to cease performing diesel emission inspections when diesel emission inspection equipment is totally or partially inoperative or inaccurate.
  - All diesel emission inspection supplies at the Official Testing Station will be removed and held by an authorized representative of the Department or the Commercial Vehicle Safety Section until the diesel emission inspection equipment has been cleaned,

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- adjusted or repaired so as to render accurate results.
- 2) An authorized representative of the Department will approve the condition of the equipment (i.e., operating efficiently and effectively) before the Station may reopen for diesel emission inspections.
- To instruct Official Testing Station Owners and CDERT in the proper method of completing forms and reports used in diesel emission inspection procedures.
  - To inspect forms required to be posted, completed and filed for cleanliness, legibility, and accuracy.
  - To determine whether diesel emission inspections are performed in accordance with this Part.
  - To have access to all records and supplies that are the property of and furnished by the Department.
  - To inspect the Station's copy of this Part for completeness and availability.
  - To inspect printer tapes generated during diesel emission inspections for accuracy, completeness, legibility and proper filing order.
  - To inspect Validation Certificates at the Station for numerical sequence and storage security. To check the Station Owner's method of accountability for all diesel emission inspection supplies issued to the Station.
  - To investigate all complaints lodged against an Official Testing Station or a CDERT. [625 ILCS 5/13-107]
  - To monitor Official Testing Station procedures used in conducting diesel emission inspections through the use of both official marked and unmarked vehicles. Monitoring conducted in marked State vehicles includes unannounced routine visits by area inspectors to check records for proper filing and completion and diesel emission inspection equipment for proper calibration and operation, and to administer tests to prospective CDERTs or those CDERTs required to be retested as authorized by Section 13-105 of the Law [625 ILCS 5/13-105]. Monitoring conducted in unmarked vehicles includes unannounced investigations by Department personnel to determine if Official Testing Stations are performing diesel emission inspections in accordance with this Part as authorized by Section 13-107 of the Law [625 ILCS 5/13-107].
  - To ensure compliance with goals for this program by issuing warning tickets or citations/complaints to Official Testing Station permit holders and their employees for alleged infractions of 625 ILCS 5/Ch. 13 and this Part. The charges as outlined in the citation(s) will be adjudicated at an administrative hearing (see 625 ILCS 5/13-108 and 92 Ill. Adm. Code 450). The Secretary will determine whether the Station has committed a violation after careful evaluation of the evidence presented at such hearing. If a determination of a violation is made, the Secretary will assess penalties for violations alleged on the citation/complaints. (See 92 Ill. Adm. Code 451.70(j) for penalty guidelines.)



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- g) To require that the Owner cease diesel emission inspections and reinspections upon suspension or revocation of diesel emission inspection testing privileges, as outlined in subsection (p) of this Section. Permit(s) and diesel emission inspection supplies will be removed from the facility for the period of suspension or permanently upon revocation.

### Section 460.250 Diesel Emission Inspection Official Testing Station Equipment, Supplies and Forms EMERGENCY

- a) All required diesel emission inspection equipment furnished to public Official Testing Stations by the Department will remain the property of the Department.
- b) The Owner of a public Official Testing Station furnished with diesel emission inspection equipment by the Department shall sign a "Diesel Emission Inspection Equipment Bailment Agreement" that includes, but is not limited to, a statement that the Station is responsible for damage or loss of the equipment due to theft, vandalism, fire or other occurrences, including negligent operation of the equipment or failure to perform routine maintenance on the equipment. The Station will also pay for insurance, if any, for the equipment. The Bailment Agreement will also serve as a receipt for the equipment when it is delivered to the Station by an authorized representative of the Department.
- c) All required forms and supplies will remain the property of the Department.
- d) All forms, supplies and completed printer tapes (see Section 460.330(e)) shall be kept in a secure place within the official Testing Station.
- e) Diesel emission inspection supplies, as defined in Section 460.110, shall be available for inspection by an authorized representative of the Department any time during the hours listed in 92 Ill. Adm. Code 451.70(1)(1)(B).
- f) Validation Certificates, as defined in Section 460.110, shall be stored in a locked safe or other locked place within the Station.
- g) Upon request by the Department, all diesel emission inspection equipment and supplies, as defined in Section 460.110, furnished by the Department, will be surrendered immediately to an authorized representative of the Department when the Station is either temporarily or permanently closed.
- h) It shall be the Owner's responsibility to maintain a sufficient amount of supplies, as defined in Section 460.110, needed in the operation of the diesel emission inspection program. These supplies may be obtained from the CYSB by submitting the diesel emission inspection requisition form. It shall be the Owner's responsibility to make sure his/her employees utilize the proper supplies.

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### SUBPART C: PROCEDURES FOR PERFORMING THE SNAP-ACCELERATION INSPECTION

### Section 460.300 Vehicle Preparation EMERGENCY

AGENCY NOTE: The procedure for a snap-acceleration inspection is established in accordance with SAE J1667 and consists of Sections 460.300 through 460.330. Prior to conducting the snap-acceleration test, the following procedures must be completed by the Certified Diesel Emission Tester (CDET):

- a) Set parking brake.
- b) Chock the wheels.
- c) Manual transmissions shall be placed in neutral. Automatic transmissions shall be placed in park, if available, or neutral if park is not available.
- d) Deactivate any device that may alter normal acceleration, i.e. air-conditioning or engine brake.
- e) Slowly accelerate the vehicle toward its maximum governed speed. Note any audible or visual indications that the engine is not mechanically sound. If there are no indications of problems, allow the engine to accelerate to a point where it becomes apparent that the governor is not functioning properly. If it becomes apparent that the governor is not functioning properly, release the accelerator and stop the inspection. If the vehicle's engine is governed and not functioning properly, the governor must be adjusted or repaired in accordance with the vehicle's manufacturer specifications before the snap-acceleration inspection is performed. If the vehicle was manufactured without a governor, the procedure to obtain a Diesel Emission Inspection Certificate of Waiver for an Ungoverned Vehicle must be initiated (see Section 460.605).
- f) Inspect the vehicle's exhaust system for leaks. If exhaust leaks are found, stop the inspection until all exhaust leaks have been repaired.

### Section 460.310 Equipment Set-Up EMERGENCY

- a) Diesel emission inspection Official Testing Stations must be equipped with diesel emission inspection equipment approved by the Department. After taking open competitive bids, the Department has approved the Smoke Check 1667 manufactured by Red Mountain Engineering. The Department will only approve other equipment that is capable of performing the snap-acceleration inspection as described in Section 460.320, of reporting the inspection results as described in Section 460.330, and of interfacing with the Department's electronic information processing system.
- b) The following procedures coincide with prompts that are displayed on the Smoke Check 1667, manufactured by Red Mountain Engineering, Inc:
  - 1) The user of the Smoke Check 1667 shall enter data as prompted.
  - 2) The following is a summary of those prompts:

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- A) Enter 1 for Test Menu.  
 B) Enter 1 for Enter User Data.  
 C) Enter the Vehicle Identification Number (VIN) of the vehicle being tested.  
 D) Enter year and make of vehicle.  
 E) Enter year of engine.  
 1) Must be 4 digits.  
 ii) Engine year will normally be found on a tag or label located on the engine.  
 iii) If engine year is unknown, enter year of vehicle.  
 F) Enter vehicle mileage as shown on the odometer.  
 G) Enter engine manufacturer.  
 1) Examples include: International, Caterpillar, Cummins, Ford, G.M.C., Deere, etc.  
 ii) If engine manufacturer is unknown, enter make of vehicle.  
 H) Enter engine horsepower or stack size.  
 1) Should be located on a tag or label on the engine.  
 ii) If engine horsepower is unknown, press "ENTER" and proceed to next step.  
 I) Enter the diameter of the stack or tailpipe discharge end in inches. (If horsepower is entered, this prompt will not appear.)  
 J) Enter diesel emission inspector's name.  
 1) Enter last name only.  
 ii) When two or more CDETs are employed who have the same last name, enter both the first and last name.  
 K) Enter "2" to Begin Testing.  
 L) Enter "1" for OK. (If visual inspection reveals a problem as stated in Section 460.300, DO NOT PROCEED WITH THE INSPECTION. The vehicle is rejected.)  
 M) Enter "y" to "Perform Cleanout Snaps."  
 N) Enter "y" to "Is the Sensor Out Of The Stack?" (Sensor should not yet be in the stack or tailpipe.)  
 O) Smoke meter will now self zero.  
 P) Place sensor in the stack or tailpipe. Press any key.  
 Q) Press any key.  
 R) Perform the three cleanout snaps as prompted by the smoke meter.  
 1) Press F4 to complete each of the three cleanout snaps.  
 ii) "Wait" will appear between snaps 1 and 2, then 2 and 3. Do not continue until "Wait" disappears.  
 S) Perform the three official opacity tests as prompted.  
 1) Push F4 to complete each of the three official snaps.  
 ii) "Wait" will appear between snaps 1 and 2, then 2 and 3. Do not continue until "Wait" disappears.  
 T) Remove the sensor from the stack or tailpipe. Press any key to continue.

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- U) Smoke meter will self zero.  
 V) Smoke meter will indicate that the post-test zero check passed. If "Test is Valid" is displayed, press any key to continue.  
 W) When "Test is Valid" is displayed, press F5 to print results.  
 1) Tests will register valid when minimum outpoint standards are met.  
 ii) Test results must be within 5% to be valid.  
 X) Enter "y" to save data.  
 1) Smoke meter will store up to 100 tests.  
 ii) Tests will periodically be downloaded into a work station.  
 Y) Enter "y" to Print Test.  
 Z) Enter "N" to Print Test Again, unless a second copy of the printed test results is desired.  
 AA) If test was valid, enter "N" to re-test same vehicle.  
 1) If test was invalid, press "y" and start over at subsection (b)(2)(M) above.  
 ii) All information previously entered will be retained except engine year and horsepower or stack. These must be reentered.  
 AGENCY NOTE: When the Department approves other diesel emission inspection equipment, this Part will be amended to include procedures that will coincide with prompts for that equipment.

### Section 460.320 Snap-Acceleration Inspection Procedures EMERGENCY

With the vehicle prepared as described in Section 460.300 and the equipment set up as described in Section 460.310, the snap-acceleration inspection shall be executed as follows:

- With the engine at normal operating temperature and at low idle speed, the CDET shall move the accelerator to the fully opened position as quickly as possible.
- The CDET shall hold the accelerator in the fully opened position until the engine reaches its maximum governed speed, plus an additional 1 to 4 seconds, or as prompted by the display on the smoke opacimeter.
- After completing the snap-acceleration of the engine operating at maximum governed speed for 1 to 4 seconds, the CDET shall release the accelerator and allow the engine to return to low idle speed.
- Allow the engine to remain at low idle speed for 5 to 45 seconds or as prompted by the display on the smoke opacimeter.
- Repeat steps (a) through (d) two additional times, for a total of three snap-acceleration cycles.
- These three snap-accelerations are preliminary cycles that allow CDETs to become familiar with the engine's acceleration and also remove loose soot from the vehicle exhaust system. The three preliminary

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- cycles can also be used to check for proper operation of the smoke opacimeter.
- g) Within 2 minutes after the preliminary snap-acceleration cycles or as prompted by the smoke opacimeter, the CDEP shall execute three snap-accelerations in the same manner as described in subsections (a) through (d) of this Section for the preliminary acceleration cycles.
  - h) The percentage of opacity for the three snap-accelerations must be within 5% of each other for the inspection to be valid.
  - i) If the smoke opacimeter display announces a valid inspection, document the inspection results as instructed in Section 460.330, Reporting of Inspection Results.
  - j) If the test was invalid due to readings that varied by more than 5% or any other condition that would render the inspection invalid, repeat the entire inspection as outlined in Subpart C of this Part.

#### Section 460.330 Reporting of Inspection Results EMERGENCY

- a) The owner/operator of each vehicle presented for a diesel emission inspection shall provide a registration card, title or bill of sale that displays the vehicle identification number (VIN) and the owner/operator's name and address.
- b) The CDEP shall compare the VIN displayed on the registration card, title or bill of sale to the actual VIN on the vehicle being presented for a diesel emission inspection to determine that the document provided accurately identifies the vehicle presented.
- c) The following procedures apply only to vehicles that pass the diesel emission inspection by meeting minimum cutpoint standards:
  - 1) The following information shall be written on the back of the Diesel Emission Inspection Compliance Card (DEICC) in the space provided:
    - A) Date of inspection
    - B) Official Testing Station number
    - C) Vehicle Identification Number (VIN)
    - D) License plate number
    - i) If license plate is applied for, write: "applied for."
    - ii) If no license plate or registration has been applied for, write: "none."
  - E) Write the average opacity reading indicated on the printer tape generated during the inspection.
  - F) The CDEP who performs the diesel emission inspection shall sign the DEICC.
  - G) A Validation Certificate shall be attached in the space provided. The DEICC is not valid as proof of compliance unless the Validation Certificate is attached.
- 2) The DEICC shall be presented to the vehicle owner/operator with the explanation that the DEICC must be kept in the vehicle as

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- d) proof of diesel emission inspection compliance.
  - 1) The following procedures apply only to vehicles that fail to meet minimum cutpoint standards.
    - A) 30-Day Warning Notice Card in the space provided:
    - B) Date of inspection
    - C) Official Testing Station number
    - D) Vehicle Identification Number (VIN)
    - E) License plate number
      - i) If license plate is applied for, write: "applied for."
      - ii) If no license plate or registration has been applied for, write: "none."
    - F) Write the average opacity reading indicated on the printer tape generated during the inspection.
    - G) The CDEP that performs the diesel emission inspection shall sign the 30-Day Warning Notice Card.
  - 2) The 30-Day Warning Notice Card shall be presented to the vehicle owner/operator with the explanation that the vehicle has failed to meet minimum opacity standards. The vehicle must be repaired and pass a diesel emission reinspection at the same Official Testing Station within 30 days after receipt of the 30-Day Warning Notice Card or the Department will render the vehicle out-of-service.
- e) The following procedures are the responsibility of the Owner and apply to all vehicles for which a diesel emission inspection was completed.
  - 1) The printer tapes generated during the diesel emission inspection shall be bundled together at the end of each day.
  - 2) The top printer tape in each bundle shall be clearly marked in ink with the appropriate date.
  - 3) Each daily printer tape bundle shall be placed in a file marked with each appropriate month.
  - 4) Diesel emission inspection printer tapes shall be retained at the Official Testing Station in monthly files for a period of two years, after which they may be destroyed.
  - 5) Diesel emission inspection printer tapes remain the property of the Department and must be accessible upon demand.
  - 6) Diesel emission inspection results will be transmitted to the Department via the Internet.

## SUBPART D: LEVEL OF RATES AND CHARGES

#### Section 460.400 Rates and Charges EMERGENCY

- a) Any and all rates or charges made by the Owner of an Official Testing Station for performing a diesel emission inspection shall be approved by the Department and shall be just and reasonable.

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- b) A rate or charge is "just and reasonable" if it is the same, or nearly the same, as the prevailing rate or charge for the same or similar test made in the community where the Official Testing Station is located. [625 ILCS 5/13-106]
- c) The following rates or charges for an annual diesel emission inspection or reinspection have been determined by the Department to be prima facie just and reasonable rates or charges. These rates were established by the Department based on the shop rate, journeyman mechanic's hourly wage and the CDET hourly wage at Official Testing Stations in the affected areas.
- 1) Annual Diesel Emission Inspection - Initial Inspection: \$30
  - 2) Annual Diesel Emission Inspection - Reinspection(s): \$25
  - d) No Owner of a Station shall charge any rate or charge or schedule of rates or charges unless that charge has been made in accordance with this Part.

**Section 460.410 Rate Change Procedure****EMERGENCY**

- a) The rates established by the Department in Section 460.400 are deemed to be filed by the Station with the Department, and may be changed upon application of the Owner of a Station or complaint of any person. An application for a change of rate will be approved or disapproved within five business days by the Commercial Vehicle Safety Section, and the Owner will be notified in writing within 10 days after the application. If an application for a rate is approved, the rate shall become effective upon posting at the Station by the Commercial Vehicle Safety Section. If an application for a proposed rate is disapproved by the Department, an applicant may appeal the disapproval to the Director under 92 Ill. Adm. Code 454.260. The procedure in Part 454 will be used to determine if a disapproved rate or a rate contested by any person is just and reasonable. For purposes of this procedure, any reference to "rate" or "charge" in Part 454 is deemed to refer to a "rate" or "charge" for a diesel emission test at a Station in an affected area. As the Department has determined a just and reasonable initial rate in Section 460.400, the procedure in 92 Ill. Adm. Code 454.210 for initial rates will not be followed.
- b) The following criteria will be used to evaluate rates to determine if a rate is just and reasonable:
- 1) The Official Testing Station's labor (or shop) rate in comparison to those in the community of the Station;
  - 2) Its journeyman mechanic's hourly wages in comparison to those in the community of the Station; and
  - 3) CDET hourly rates at the Station in comparison to those in the community of the Station.

SUBPART E: WARNING NOTICES, OUT-OF-SERVICE ORDER AND ENFORCEMENT

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**Section 460.500 Diesel Emission Inspection 30-Day Warning Notice****EMERGENCY**

- a) If an annual diesel emission inspection reveals that a vehicle is not in compliance with this Part, the Owner of the Station or the CDET shall issue a warning notice requiring correction of the violation. [625 ILCS 5/13-109.1] The warning notice shall be in the form of a Diesel Emission Inspection 30-Day Warning Notice, as defined in Section 460.110.
- b) Corrections shall be made and the vehicle submitted to an emission reinspection at the same Station that previously issued the warning notice within 30 days from the issuance of the warning notice requiring correction of the violation. [625 ILCS 5/13-109.1]
- c) Examples of basic corrections that will improve diesel emission smoke include, but are not limited to, the following:
- 1) Replace air filter element, if needed;
  - 2) Check and adjust emission control equipment;
  - 3) Check oil level and ensure correct type recommended for your engine;
  - 4) Tune up, adjust timing, set valve clearance, rack travel, etc.;
  - 5) Ensure correct operation of cooling system;
  - 6) Repair restricted/dented exhaust system; and/or
  - 7) Ensure good grade of fuel.

**Section 460.510 Diesel Emission Inspection Out-of-Service Order****EMERGENCY**

- a) If a vehicle has not passed a diesel emission reinspection within 30 days from the receipt of a 30-Day Warning Notice or has not obtained a waiver as prescribed in Section 460.600, the Department shall issue an Out-of-Service Order via certified mail to the person(s) or company owning or operating the vehicle in violation of this Part.
- b) The Out-of-Service Order contains information identifying the owner/operator of the vehicle, information identifying the specific vehicle being placed out-of-service, the reason for the Order, the consequence for operating a vehicle that has been declared out-of-service, and a requirement that the vehicle pass a diesel emission reinspection before it may be returned to service.
- c) The vehicle will remain out-of-service until the vehicle passes a diesel emission reinspection or the vehicle's owner/operator obtains a waiver as prescribed in Section 460.600.

**Section 460.520 Diesel Emission Inspection Enforcement****EMERGENCY**

- a) Operating a vehicle in violation of an Out-of-Service Order is a petty offense punishable by a \$1,000 fine.
- b) No emergency vehicle may be placed out-of-service.



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- c) *The Secretary of State, Department of State Police and other law enforcement officers shall enforce this Section.* [625 ILCS 5/13-109.1] The vehicle's owner/operator may be required to present the DEC to the Secretary of State before obtaining annual registration for the vehicle. The Department of State Police and other law enforcement officers may enforce this Section during routine roadside enforcement activities.

## SUBPART F: WAIVER REQUIREMENTS, GRIEVANCE AND REPLACEMENT PROCEDURES

Section 460.600 Diesel Emission Inspection Waiver Requirements for Failing Inspection and Reinspection  
EMERGENCY

- a) A Diesel Emission Inspection Certificate of Waiver for Failing Inspection and Reinspection shall be issued by the Department for a diesel-powered vehicle to its owner/operator who demonstrates that the vehicle meets the applicable waiver requirements of subsection (b) of this Section.
- b) A vehicle subject to inspection under this Part that has failed a diesel emission inspection and reinspection shall be eligible for a waiver from meeting the diesel emission requirements of this Part upon proof to the Department of compliance with all of the following:
- 1) After failing an initial inspection and reinspection, the vehicle has failed to achieve compliance with the applicable vehicle diesel emission inspection standards set forth in this Part.
  - 2) A minimum expenditure of \$3,000 in diesel emission related repairs, exclusive of tampering-related repairs, has been made.
  - 3) The vehicle has received all repairs and adjustments for which it is eligible under any diesel emission performance warranty provisions.
  - 4) The vehicle owner/operator certifies to the Department that the diesel emission control devices are present and appear to be properly connected and operating.
  - 5) Repairs are conducted by a recognized repair technician, as defined in Section 460.110.
  - 6) Evidence of repair is presented to the Department consisting of signed and dated receipts identifying the vehicle and describing the work performed and amount charged for eligible diesel emission-related repairs. [625 ILCS 5/13-109.1]
- c) If the Department determines that an applicant for a waiver has not complied with all applicable waiver criteria set forth in subsection (b) of this Section, the waiver request will be denied. The Department will provide to the applicant a written statement via U.S. mail containing the reason for the denial.
- d) If the Department determines that an applicant for a waiver has

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complied with all waiver criteria set forth in subsection (b) of this Section, the waiver shall be issued. The Department shall provide the applicant a Diesel Emission Inspection Certificate of Waiver for Failing Inspection and Reinspection via U.S. mail containing a description of the vehicle, including the manufacturer's vehicle identification number, and the issuance date of the waiver. The Certificate of Waiver must be kept in the vehicle as proof of diesel emission inspection compliance. Certificates of Waiver do not expire.

Section 460.605 Diesel Emission Inspection Waiver Requirements for an Ungoverned Vehicle  
EMERGENCY

- a) The owner/operator of a diesel-powered vehicle subject to this Part that was manufactured without a device to govern engine revolutions per minute (RPM) shall be eligible for a Diesel Emission Inspection Certificate of Waiver for an Ungoverned Vehicle. The diesel-powered vehicle will be exempt from meeting the diesel emission requirements of 625 ILCS 5/13-109.1 upon receipt by the Department of a letter from the vehicle manufacturer or dealer affirming that the vehicle was manufactured ungoverned. The letter must be on paper bearing the letterhead of the manufacturer or dealer of the vehicle in question.
- b) If the Department determines that an applicant for a waiver has not complied with the waiver criterion set forth in subsection (a) of this Section, the waiver request will be denied. The Department will provide to the applicant a written statement via U.S. mail containing the reason for the denial.
- c) If the Department determines that an applicant for a waiver has complied with the waiver criterion set forth in subsection (a) of this Section, the waiver shall be issued. The Department shall provide the applicant a Diesel Emission Inspection Certificate of Waiver for an Ungoverned Vehicle via U.S. mail containing a description of the vehicle, including the manufacturer's vehicle identification number and the issuance date of the waiver. The Certificate of Waiver must be kept in the vehicle as proof of diesel emission inspection compliance. Certificates of Waiver do not expire.

Section 460.610 Grievance Procedures  
EMERGENCY

- a) Any person aggrieved by a decision regarding the failure of a diesel emission reinspection at a Station or the denial of a waiver from the Department may petition the Department, which will investigate the matter.
- b) Grievances shall be filed in writing with the Department no more than 30 days after the decision made by the Department. The grievance shall contain the reason for the grievance; general information about the vehicle (i.e., make, model, and year); and a contact person's



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- name, address and telephone number.
- c) The Secretary or the Secretary's designee will appoint a Department employee to investigate every grievance submitted to the Department in accordance with this Part. The vehicle is declared out-of-service during the duration of the investigation.
  - d) The Department's investigation will be concluded within 45 days after the receipt of the grievance by the Department.
  - e) Within the 45-day investigation period, the Department will issue written notification to the petitioner and the Official Testing Station, if applicable, indicating the Department's determination as to the correctness or incorrectness of the decision that precipitated the grievance.
  - f) The Department's written notification will include a statement of the facts relied upon and technical issues decided by the Department in making its determination. The Department's determination is considered administratively final.

#### Section 460.620 Replacement of Diesel Emission Inspection Compliance Card

#### EMERGENCY

- a) A replacement Diesel Emission Inspection Compliance Card may be obtained by submitting a written request for a replacement card along with a check or money order in the amount of \$5 made payable to: Treasurer, State of Illinois. No cash will be accepted.
- b) The written request must contain general information about the vehicle (i.e., VIN, make, model and year), as well as a contact person's name, address, and telephone number. The replacement Diesel Emission Inspection Compliance Card will expire on the same date the original card was scheduled to expire.
- c) All replacement requests shall be submitted to:

Illinois Department of Transportation  
 Diesel Emission Inspections  
 P.O. Box 19212  
 Springfield, Illinois 62794-9212

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT(S)

- 1) Heading of the Part: Illinois Dental Practice Act
- 2) Code Citation: 68 Ill. Adm. Code 1220
- 3) Register Citation to Notice of Proposed Amendments: 24 Ill. Reg. 6488; April 21, 2000
- 4) Date, Time and Location of Public Hearings:  
 Wednesday, July 19, 2000, 8:30-11:00 A.M.  
 Department of Professional Regulation  
 320 W. Washington, Room 202  
 Springfield, Illinois 62786
- 5) Other Pertinent Information: The hearing will be held for the sole purpose of gathering public comments on the proposed Amendments. Persons interested in presenting testimony at this hearing are advised that the Department of Professional Regulation will adhere to the following procedures in the conduct of the hearing:  
 -- Each person presenting oral testimony shall provide a written copy of such testimony at the time the oral testimony is presented. No oral testimony will be accepted without a written copy of the testimony being provided.  
 -- No oral testimony shall exceed an aggregate of 10 minutes for the presentation.  
 -- No person will be recognized to speak for a second time until all persons wishing to testify have done so.  
 -- In order to provide for a balanced presentation of views and to facilitate the orderly conduct of the hearing, the hearing officer may impose such other rules of procedure, including the order of call of witnesses, as he/she sees fit.  
 -- Those individuals who are unable to attend the public hearing but wish to comment on the proposed Amendments should submit written comments by July 19, 2000.
- 6) Name and Address of Agency Contact Person:  
 Jean A. Courtney, Rules Coordinator  
 Department of Professional Regulation  
 320 West Washington, 3rd Floor  
 Springfield, IL 62786

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## NOTICE OF WITHDRAWAL OF PROPOSED RULES

1) **Heading of the Part:** Diesel Emission Inspection Program

2) **Code Citation:** 92 Ill. Adm. Code 460

3) **Section Numbers:** **Proposed Action:**  
 460.100 New Section  
 460.110 New Section  
 460.120 New Section  
 460.130 New Section  
 460.140 New Section  
 460.200 New Section  
 460.210 New Section  
 460.220 New Section  
 460.230 New Section  
 460.240 New Section  
 460.250 New Section  
 460.300 New Section  
 460.310 New Section  
 460.320 New Section  
 460.330 New Section  
 460.400 New Section  
 460.410 New Section  
 460.500 New Section  
 460.510 New Section  
 460.520 New Section  
 460.600 New Section  
 460.605 New Section  
 460.610 New Section  
 460.620 New Section

4) **Date Notice of Proposed Rules Published in the Illinois Register:** April 21, 2000, 24 Ill. Reg. 6522

5) **Reason for the Withdrawal** At this time, the Department is withdrawing its proposed rules on diesel emission inspections because on June 22, 2000, the Governor signed into law P.A. 91-865, effective July 1, 2000, that renders these proposed rules obsolete. Elsewhere in this issue of the *Illinois Register*, the Department is filing emergency rules in compliance with P.A. 91-254 and P.A. 91-865, effective July 1, 2000.

## COMPTROLLER MERIT COMMISSION

## JUNE 2000 REGULATORY AGENDA

a) **Part(s) (Heading and Code Citation):** Merit Commission Rules (80 Ill. Adm. Code 100)

1) **Rulemaking:**

A) **Description of Commission's Powers and Duties:** The rules provide the Merit Commission with the power to review and investigate personnel policies and administrative practices to ensure that they are in compliance with the Merit Employment Code. Upon written recommendations by the Director of Personnel, the rules provide the Commission authority to exempt positions from Jurisdiction B of the Merit Employment Code. The Merit Commission rules also provide protection from unjust discharge, suspension, demotion or geographic transfers of employees of the Office of the Comptroller and outlines procedures to hear allocation appeals and approve or disapprove written charges of employees of the Office of the Comptroller.

B) **Statutory Authority:** Implementing and authorized by the Comptroller Merit Employment Code (15 ILCS 410).

C) **Schedule of regular meetings:** July 20, 2000; August 17, 2000; September 21, 2000; October 19, 2000; November 16, 2000; December 21, 2000.

D) **Date agency anticipates First Notice:** The Merit Commission does not anticipate any rule changes at this time. However, any future changes will be discussed at the meetings listed above.

E) **Effect on small business, small municipalities or not for profit corporations:** None

F) **Agency contact person for information:**

Joe Wilkins, Chairman  
 Comptroller Merit Commission  
 325 West Adams Street  
 Springfield, IL 62704-1858  
 (217)785-1127

G) **Related rulemakings and other pertinent information:** None

## GUARDIANSHIP AND ADVOCACY COMMISSION

JULY 2000 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Human Rights Authority, 59 Ill. Adm. Code 310

1) Rulemaking:

A) Description: The Guardianship and Advocacy Commission is preparing a rulemaking proposal that would create a formula that would allow Human Rights Authority Members to be reappointed for two full 3-year terms in addition to time already served if the difference between the first appointment and the first reappointment is 23 months or less.

B) Statutory Authority: Section 1 et seq. of the Guardianship and Advocacy Act [20 ILCS 3955/1 et seq.]

C) Scheduled meeting/hearing dates: None are scheduled at this time. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

D) Date agency anticipates First Notice: August 1, 2000

E) Affect on small business, municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Ms. Amy Kreidler  
Illinois Guardianship and Advocacy Commission  
Office of the Director  
421 East Capitol Avenue  
Suite 205  
Springfield, Illinois 62701-1711  
(217) 785-8981  
(312) 793-5937 (TDD)

G) Related Rulemaking and other pertinent information: None

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- a) Part(s) (Heading and Code Citation): Freedom of Information, 2 Ill. Adm. Code 1400.

1) Rulemaking:

A) Description: The proposed rulemaking will pertain to the availability of public records and procedures to be followed, including:

i) the times and places where such records will be made available; and,

ii) the persons from whom such records may be obtained.

B) Statutory Authority: Section 3 (g) of the Freedom of Information Act [5 ILCS 140/3 (g)].

C) Scheduled meeting/hearing date: Not applicable, pursuant to Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and Section 100.810 of the Secretary of State's regulations addressing rulemaking [1 Ill. Adm. Code 100.810].

D) Date agency anticipates First Notice: See paragraph (a) (1)(C).

E) Affect on small businesses, small municipalities or not for profit corporations: No adverse impact anticipated.

F) Agency contact person for information:

Name: William Rolando  
Deputy Director  
Address: Illinois Department of Labor  
One West Old State Capitol Plaza  
Room 300  
Telephone: (217) 782-1704

G) Related rulemakings and other pertinent information: None

- b) Part(s) (Heading and Code Citation): Arbitration Policies, Functions, and Procedures, 56 Ill. Adm. Code 110.

1) Rulemaking:

A) Description: The proposed rulemaking will update the

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regulations under the Labor Arbitration Services Act (710 ILCS 10), and adjust the Department's administration of the Act accordingly, including but not limited to, updating incorporations by reference, increasing the administrative filing fee charged by the Illinois Arbitration Service, and increasing the per diem fee charged by arbitrators, except Department employees.

B) Statutory Authority: Section 3 of the Labor Arbitration Services Act (710 ILCS 10/3).

C) Scheduled meeting/hearing date: Not yet determined.

D) Date agency anticipates First Notice: Not yet determined.

E) Affect on small businesses, small municipalities or not for profit corporations: Fees for services will increase.

F) Agency contact person for information:

Name: William Rolando  
Deputy Director  
Address: Illinois Department of Labor  
One West Old State Capitol Plaza  
Room 300  
Telephone: (217) 782-1704

G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citation): Rules of Procedure in Administrative Hearings, 56 Ill. Adm. Code 120

1) Rulemaking:

A) Description: The proposed rulemaking replaces 68 Ill. Adm. Code 680.230 with updated, stand-alone procedural rules for administrative hearings conducted under the jurisdiction of the Director of Labor and/or the Department of Labor, except for debarment proceedings conducted under section 11a of the Prevailing Wage Act (820 ILCS 130/11a) and 56 Ill. Adm. Code 100.

B) Statutory Authority: Section 10-5 of the Illinois Administrative Procedure Act (5 ILCS 10/10-5).

C) Scheduled meeting/hearing date: Not yet determined.

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D) Date agency anticipates First Notice: Not yet determined.  
E) Affect on small businesses, small municipalities or not for profit corporations: No adverse impact anticipated.

F) Agency contact person for information:

Name: William Rolando  
Deputy Director  
Address: Illinois Department of Labor  
One West Old State Capitol Plaza  
Room 300  
Telephone: (217) 782-1704

G) Related rulemakings and other pertinent information: The proposed rulemaking is part of an integrated plan to replace the Department's rules for administrative hearings at 68 Ill. Adm. Code 680.230 with updated, stand-alone procedural rules at 56 Ill. Adm. Code 120.

d) Part(s) (Heading and Code Citation): Toxic Substances Disclosure to Employees, 56 Ill. Adm. Code 205.

1) Rulemaking:

A) Description: The proposed rulemaking amends Section 205.260 to provide that administrative hearings under Part 205 will be conducted pursuant to the Department's proposed rules at 56 Ill. Adm. Code 120.

B) Statutory Authority: Sections 17 and 18 of the Toxic Substances Disclosure to Employees Act (820 ILCS 225/17 and 18).

C) Scheduled meeting/hearing date: Not yet determined.

D) Date agency anticipates First Notice: Not yet determined.

E) Affect on small businesses, small municipalities or not for profit corporations: No adverse impact anticipated.

F) Agency contact person for information:

Name: William Rolando  
Deputy Director  
Address: Illinois Department of Labor

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One West Old State Capitol Plaza  
Room 300  
Telephone: (217) 782-1704

- C) Related rulemakings and other pertinent information: The proposed rulemaking is part of an integrated plan to replace the Department's rules for administrative hearings at 68 Ill. Adm. Code 680.230 with updated, stand-alone procedural rules at 56 Ill. Adm. Code 120.

- e) Part(s) (Heading and Code Citation): Minimum Wage Law, 56 Ill. Adm. Code 210.

## 1) Rulemaking:

- A) Description: The proposed rulemaking amends Section 210.1050 to provide that administrative hearings under Part 210 will be conducted pursuant to the Department's proposed rules at 56 Ill. Adm. Code 120.

- B) Statutory Authority: Sections 10 (a) and 12 (a) of the Minimum Wage Law [820 ILCS 105/10 (a) and 12 (a)].

- C) Scheduled meeting/hearing date: Not yet determined.

- D) Date agency anticipates First Notice: Not yet determined.

- E) Affect on small businesses, small municipalities or not for profit corporations: No adverse impact anticipated.

- F) Agency contact person for information:

Name: William Rolando  
Deputy Director  
Address: Illinois Department of Labor  
One West Old State Capitol Plaza  
Room 300  
Telephone: (217) 782-1704

- G) Related rulemakings and other pertinent information: The proposed rulemaking is part of an integrated plan to replace the Department's rules for administrative hearings at 68 Ill. Adm. Code 680.230 with updated, stand-alone procedural rules at 56 Ill. Adm. Code 120.

- f) Part(s) (Heading and Code Citation): Illinois Child Labor Law, 56

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Ill. Adm. Code 250

## 1) Rulemaking:

- A) Description: The proposed rulemaking amends Section 250.715 to provide that administrative hearings under Part 250 will be conducted pursuant to the Department's proposed rules at 56 Ill. Adm. Code 120.

- B) Statutory Authority: Sections 16 of the Child Labor Law [820 ILCS 205/16 and 17].

- C) Scheduled meeting/hearing date: Not yet determined.

- D) Date agency anticipates First Notice: Not yet determined.

- E) Affect on small businesses, small municipalities or not for profit corporations: No adverse impact anticipated.

- F) Agency contact person for information:

Name: William Rolando  
Deputy Director  
Address: Illinois Department of Labor  
One West Old State Capitol Plaza  
Room 300  
Telephone: (217) 782-1704

- G) Related rulemakings and other pertinent information: The proposed rulemaking is part of an integrated plan to replace the Department's rules for administrative hearings at 68 Ill. Adm. Code 680.230 with updated, stand-alone procedural rules at 56 Ill. Adm. Code 120.

- g) Part(s) (Heading and Code Citation): Health and Safety, 56 Ill. Adm. Code 350.

## 1) Rulemaking:

- A) Description: The proposed rulemaking will:

- i) update the Illinois Department of Labor's (IDOL) occupational safety and health standards. Section 4 (d) of the Health and Safety Act requires IDOL to adopt all federal occupational safety and health standards (OSH rules) the U.S. Secretary of Labor



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REGULATORY AGENDA

promulgates, modifies or revokes, within 60 days of their effective date unless the State already has in place alternative rules that are at least as effective as the OSH rules. [820 ILCS 225/4 (d)]. Since 1985, IDOL has incorporated by reference all final OSH rules published in 29 CFR 1910, 1915 and 1926. Adoption of these rules ensures that public sector workers are provided with the same level of protection that is afforded to private sector workers within the State; and,

ii) amend 56 Ill. Adm. Code 350.195 to provide that administrative hearings under Part 350 will be conducted pursuant to the Department's proposed rules at 56 Ill. Adm. Code 120.

B) Statutory Authority: Section 2 (k) of the Safety Inspection and Education Act [820 ILCS 220/2 (k)] and Section 4 and 7 of the Health and Safety Act [820 ILCS 225/4 and 7].

C) Scheduled meeting/hearing date: Not yet determined.

D) Date agency anticipates First Notice: Not yet determined.

E) Affect on small businesses, small municipalities or not for profit corporations: Due to the preemptive effect of the federal OSH Act, private sector businesses are not affected by the proposed update to IDOL's occupational safety and health standards. All public sector work sites will be affected.

Costs associated with compliance are for the correction of work site health and safety hazards, which will have a direct positive impact within the public sector work force.

Savings will be realized due to fewer workplace injuries and occupational diseases, lower replacement employee costs, and increased employee productivity due to fewer lost work days and a healthier work force.

Variance procedures within the regulations allow public sector employers to petition for variance from standards when compliance cannot be achieved because of factors beyond their control.

There is no adverse impact anticipated by the proposed

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amendment to 56 Ill. Adm. Code 350.195.

F) Agency contact person for information:

Name: William Rolando  
Deputy Director  
Address: Illinois Department of Labor  
One West Old State Capitol Plaza  
Room 300  
Telephone: (217) 782-1704

C) Related rulemakings and other pertinent information: The proposed rulemaking is part of an integrated plan to replace the Department's rules for administrative hearings at 68 Ill. Adm. Code 680.230 with updated, stand-alone procedural rules at 56 Ill. Adm. Code 120.

h) Part(s) (Heading and Code Citation): Whistleblower Protection, 56 Ill. Adm. Code 353.

1) Rulemaking:

A) Description: The proposed rulemaking amends Section 353.140 to provide that administrative hearings under Part 353 will be conducted pursuant to the Department's proposed rules at 56 Ill. Adm. Code 120.

B) Statutory Authority: Section 11b (c) of the Prevailing Wage Act [820 ILCS 130/11b (c)].

C) Scheduled meeting/hearing date: Not yet determined.

D) Date agency anticipates First Notice: Not yet determined.

E) Affect on small businesses, small municipalities or not for profit corporations: No adverse impact anticipated.

F) Agency contact person for information:

Name: William Rolando  
Deputy Director  
Address: Illinois Department of Labor  
One West Old State Capitol Plaza  
Room 300  
Telephone: (217) 782-1704

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- G) Related rulemakings and other pertinent information: The proposed rulemaking is part of an integrated plan to replace the Department's rules for administrative hearings at 68 Ill. Adm. Code 680.230 with updated, stand-alone procedural rules at 56 Ill. Adm. Code 120.

- i) Part(s) (Heading and Code Citation): Statewide Displaced Homemakers Program, 56 Ill. Adm. Code 365

## 1) Rulemaking

- A) Description: The proposed rulemaking will update the regulations under the Displaced Homemakers Assistance Act [20 ILCS 615], and replace each reference to the Department of Commerce and Community Affairs in the regulations with a reference to the Department of Labor.

- B) Statutory Authority: Sections 5 (e) and 8 of the Displaced Homemakers Assistance Act [20 ILCS 615/ 5 (e) and (8)].

- C) Scheduled meeting/hearing date: Not yet determined.

- D) Date agency anticipates First Notice: Not yet determined.

- E) Affect on small businesses, small municipalities or not for profit corporations: No adverse impact anticipated.

- F) Agency contact person for information:

Name: William Rolando  
Deputy Director  
Address: Illinois Department of Labor  
One West Old State Capitol Plaza  
Room 300  
Telephone: (217) 782-1704

- G) Related rulemakings and other pertinent information: None

- j) Part(s) (Heading and Code Citation): Rules and Regulations Relating to the Operation of Private Employment Agencies, 68 Ill. Adm. Code 680.100.

## 1) Rulemaking:

- A) Description: The proposed rulemaking will:

## DEPARTMENT OF LABOR

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- i) repeal outdated references to the Illinois Human Rights Act and the Illinois Human Rights Commission contained in sections 680.100 - 680.140;

- ii) update statutory citations; and,

- iii) repeal the procedural rules for administrative hearings contained in section 680.230. The Department proposes replacing section 680.230 with stand-alone rules for administrative hearings to be codified at 56 Ill. Adm. Code 120.

- B) Statutory Authority: Section 1 of the Private Employment Agency Act [225 ILCS 515/1].

- C) Scheduled meeting/hearing date: Not yet determined.

- D) Date agency anticipates First Notice: Not yet determined.

- E) Affect on small businesses, small municipalities or not for profit corporations: No adverse impact anticipated.

- F) Agency contact person for information:

Name: William Rolando  
Deputy Director  
Address: Illinois Department of Labor  
One West Old State Capitol Plaza  
Room 300  
Telephone: (217) 782-1704

- G) Related rulemakings and other pertinent information: The proposed rulemaking is part of an integrated plan to replace the Department's rules for administrative hearings at 68 Ill. Adm. Code 680.230 with updated, stand-alone procedural rules at 56 Ill. Adm. Code 120.

- k) Part(s) (Heading and Code Citation): Nurse Agency Licensing Act, 68 Ill. Adm. Code 690.

## 1) Rulemaking:

- A) Description: The proposed rulemaking amends Section 690.190 to provide that administrative hearings under Part 690 will be conducted pursuant to the Department's proposed rules at 56 Ill. Adm. Code 120.

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B) Statutory Authority: Section 10 of the Nurse Agency Licensing Act [225 ILCS 510/10].

C) Scheduled meeting/hearing date: Not yet determined.

D) Date agency anticipates First Notice: Not yet determined.

E) Affect on small businesses, small municipalities or not for profit corporations: No adverse impact anticipated.

F) Agency contact person for information:

Name: William Rolando

Deputy Director

Address: Illinois Department of Labor

One West Old State Capitol Plaza

Room 300

Telephone: (217) 782-1704

G) Related rulemakings and other pertinent information: The proposed rulemaking is part of an integrated plan to replace the Department's rules for administrative hearings at 68 Ill. Adm. Code 680.230 with updated, stand-alone procedural rules at 56 Ill. Adm. Code 120.

## PROPERTY TAX APPEAL BOARD

JULY 2000 REGULATORY AGENCY

a) Part (Heading and Code Citation): Practice and Procedure for Hearings Before the Property Tax Appeal Board, 86 Ill. Admin. Code 1910.

1) Rulemaking

A) Description: There are no proposed rules anticipated by the Property Tax Appeal Board.

B) Statutory Authority: 35 ILCS 200/Art.7 and 35 ILCS 200/16-160 through 16-195.

C) Scheduled meeting/hearing date: No hearings scheduled or anticipated.

D) Date agency anticipates First Notice: None

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

James W. Chipman

Executive Director

Property Tax Appeal Board

Rm. 402, Stratton Office Bldg.

401 S. Spring St.

Springfield, IL 62706

(217) 782-6076

G) Related rulemaking and other pertinent information: None

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

8/6/00	Guardianship and Advocacy Commission, Fee Schedule for the Office of the State Guardian (59 Ill Adm Code 301)	3/24/00 24 Ill Reg 4359	7/18/00
8/6/00	Guardianship and Advocacy Commission, Americans with Disabilities Act Grievance Procedure (4 Ill Adm Code 850)	3/24/00 24 Ill Reg 4354	7/18/00
8/6/00	Guardianship and Advocacy Commission, Public Information, Rulemaking, and Organization (2 Ill Adm Code 1875)	3/24/00 24 Ill Reg 4382	7/18/00
8/6/00	State Board of Education, Public Schools Evaluation, Recognition and Supervision (23 Ill Adm Code 1)	4/7/00 24 Ill Reg 5812	7/18/00
8/6/00	State Board of Education, Certification (23 Ill Adm Code 25)	3/24/00 24 Ill Reg 4302	7/18/00
8/9/00	Department of Public Health, Lawn Irrigation Contractor and Lawn Sprinkler System Registration Code (77 Ill Adm Code 892)	3/17/00 24 Ill Reg 4158	7/18/00

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of June 20, 2000 through June 26, 2000 and have been scheduled for review by the Committee at its July 18, 2000 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.			
Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
8/2/00	Department of Public Aid, Hospital Services (89 Ill Adm Code 149)	3/17/00 24 Ill Reg 4053	7/18/00
8/4/00	Illinois Racing Board, Claiming Races (11 Ill Adm Code 510)	5/5/00 24 Ill Reg 6856	7/18/00
8/4/00	Illinois Racing Board, Entries, Subscriptions, and Declarations (11 Ill Adm Code 1413)	5/5/00 24 Ill Reg 6860	7/18/00
8/4/00	Department of Natural Resources, Duck, Goose and Coot Hunting (17 Ill Adm Code 590)	5/5/00 24 Ill Reg 6809	7/18/00
8/4/00	Department of Natural Resources, Public Use of State Parks and Other Properties Owned by the Department of Natural Resources (17 Ill Adm Code 110)	5/5/00 24 Ill Reg 6848	7/18/00
8/5/00	Department of Public Aid, Children's Health Insurance Program (89 Ill Adm Code 125)	3/31/00 24 Ill Reg 5607	7/18/00
8/6/00	Governor's Ethics Commission, Rules Governing Commission Meetings and Hearings (2 Ill Adm Code 1610)	1/3/00 24 Ill Reg 3	7/18/00
8/6/00	Guardianship and Advocacy Commission, Human Rights Authority (59 Ill Adm Code 310)	3/24/00 24 Ill Reg 4372	7/18/00

## PROCLAMATIONS

2000-304

## DELTA SIGMA THETA SORORITY DAYS

WHEREAS, Delta Sigma Theta Sorority, Inc., was founded in 1913 at Howard University in Washington, D.C.; and

WHEREAS, Delta Sigma Theta Sorority, Inc., is an organization of college-educated women, committed to constructive development of its members and to public service with a primary focus on the black community; and

WHEREAS, the sorority's major programs are based upon the organization's five-point thrust: economic development, educational development, international awareness and involvement, political awareness and involvement, and physical and mental health; and

WHEREAS, Chicago, Illinois, is the site of Convention 2000, the organization's first national convention of the new millennium; and

WHEREAS, Chicago area chapters, under the leadership of the Chicago Alumnae Chapter of Delta Sigma Theta Sorority, Inc., are co-hosting this event;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 21-26, 2000, as DELTA SIGMA THETA SORORITY DAYS in Illinois.

Issued by the Governor June 8, 2000.

Filed by the Secretary of State June 20, 2000.

2000-305

## ELMHURST PARK DISTRICT DAY

WHEREAS, on June 28, 2000, the Elmhurst Park District in Elmhurst will be celebrating its 80th birthday; and

WHEREAS, Elmhurst Park District has grown over the years and has continued to achieve its mission by providing the Elmhurst community with opportunities for a lifetime of enjoyment; and

WHEREAS, in the year 2000, the Elmhurst Park District will strive into the future as it prepares for its 80th birthday;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 28, 2000, as ELMHURST PARK DISTRICT DAY in Illinois.

Issued by the Governor June 8, 2000.

Filed by the Secretary of State June 20, 2000.

2000-306

## FIRST NATIONAL BANK OF ASSUMPTION DAY

WHEREAS, the First National Bank of Assumption celebrates its 100-year anniversary with an open house May 26th and 27th; and

WHEREAS, Carl Corzine's grandfather, C.C. Corzine, founded the bank with August Cazalet on May 26, 1900; and

WHEREAS, the founding Corzine was vice president of the bank until Cazalet's death in 1915. Two other Corzine's headed up the bank until Carl's father, Dale, took over in 1958; and

WHEREAS, Dale Corzine, who died in 1993, worked at the bank until he was well over 90 years old; and

WHEREAS, making a deposit at the First National Bank of Assumption can take Mayor John Rehl 25 minutes. It's not that the tellers are slow or inefficient

- they're just friendly; and

WHEREAS, that friendly atmosphere created by the Corzine family, which has owned the bank for its 100-year life, has helped the institution stay in business over hurdles like the Great Depression in the 1930's, the farm crises of the mid-1980's and the flurry of banking mergers and acquisitions that continue today; and

WHEREAS, personal service is what sets community banks such as First National apart from other financial institutions, according to the Community Bankers Association of Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 26, 2000, as FIRST NATIONAL BANK OF ASSUMPTION DAY in Illinois.

Issued by the Governor June 8, 2000.

Filed by the Secretary of State June 20, 2000.

2000-307

## HARLAN D. KNOXER DAY

WHEREAS, Harlan Knoxer, better known as Harley, has held the position of Director of Athletics at Knox College in Galesburg since 1967 when he succeeded Dean S. Trevor in this post; and

WHEREAS, a native of Aurora, Illinois, he attended Miami University of Ohio, graduating in 1957 with a bachelor's degree in Science, earned three letters in both basketball and golf, and also was elected captain in both sports in his final years; and

WHEREAS, Harley married his wife Peggy in 1956. To this union were born two daughters - Kathy Harden and Laura Thompson; and

WHEREAS, following his college graduation, he attended Northwestern University, receiving a Master's degree in Education in 1960. While working on his graduate degree at Northwestern University in Evanston, he served as freshman coach in basketball and baseball, in addition to being a physical education instructor; and

WHEREAS, Harley came to Knox in the fall of 1960 to become head basketball coach. In 1968, he was appointed Acting Athletic Director and a year later he was assigned the position permanently; and

WHEREAS, in 1975, he became Professor of Physical Education and, while Athletic Director, he has worked either as a member or as chair of the N.C.A.A. Division III Basketball Committee; and

WHEREAS, in addition to his administrative duties in directing Knox's recreational and intercollegiate athletics' programs, he also devoted his attention to membership on several faculty committees at the college; and

WHEREAS, on June 9, a reception for Harley will be held to celebrate his induction into the Hall of Fame and 40 years of service to the college and community;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 9, 2000, as HARLAN D. KNOXER DAY in Illinois.

Issued by the Governor June 8, 2000.

Filed by the Secretary of State June 20, 2000.

2000-308

## LAKES APPRECIATION WEEK

WHEREAS, the State of Illinois is blessed with more than 3,000 lakes and



83,000 ponds within its boundaries; and

WHEREAS, lakes and ponds are important resources to the Illinois way of life and its environment providing sources of recreation, public water supplies, scenic beauty, and habitats for wildlife; and

WHEREAS, Illinois lakes are valuable economic resources for Illinois businesses, tourism industry and municipal governments; and

WHEREAS, Conservation 2000 has provided State resources to conduct new and expanded lake management programs such as the Clean Lakes Program, Lake Education Assistance Program, Priority Lake and Watershed Implementation Program and Volunteer Lake Monitoring Program; and

WHEREAS, the State of Illinois recognizes the continued need to protect lakes and ponds for the enjoyment of future generations;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim

July 1-8, 2000, as LAKES APPRECIATION WEEK in Illinois.

Issued by the Governor June 8, 2000.

Filed by the Secretary of State June 20, 2000.

#### 2000-309

##### 2000-309 MEN'S HEALTH WEEK

WHEREAS, despite the advances in medical technology and research, men continue to live an average of seven years less than women; and

WHEREAS, women visit their doctors approximately 150 percent more often than men, enabling them to detect health problems in their early stages; and

WHEREAS, educating the public and health care providers about the importance of early detection of male health problems will result in reducing rates of mortality from these diseases; and

WHEREAS, men who are educated about the value of preventive health will be more likely to participate in health screening;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim

June 12-18, 2000, as MEN'S HEALTH WEEK in Illinois.

Issued by the Governor June 8, 2000.

Filed by the Secretary of State June 20, 2000.

#### 2000-310

##### 2000-310 MINORITY HEALTH MONTH

WHEREAS, minority populations in Illinois have higher incidence rates of many diseases - including cancer, heart disease, unintentional injury, diabetes and HIV/AIDS - than do non-minority groups; and

WHEREAS, minority populations are more likely to die from these diseases than are non-minority groups; and

WHEREAS, the Minority Health Partnership, made up of representatives of hospitals, community-based organizations, neighborhood centers, the business community and public health departments, was created in Chicago in 1998 to organize a health promotion program and fair at the annual Black Expo Chicago; and

WHEREAS, the Minority Health Partnership has adopted as its mission providing pertinent information and assistance on a wide range of health-related issues to minority individuals, families and communities throughout Illinois; and

WHEREAS, the Minority Health Partnership has undertaken this mission in

order to support the large communal effort toward eliminating disparities in health outcomes between minority populations and the overall population; and

WHEREAS, the Minority Health Partnership has expanded its scope beyond Black Expo Chicago to include a year-round calendar of activities that incorporate effective health education and promotion strategies to help prevent disease and counteract premature mortality; and

WHEREAS, the Minority Health Partnership has adopted July as Minority Health Month, during which attention is focused on community awareness and knowledge of healthy lifestyles and during which all communities are encouraged to

promote consistent physical activity, proper nutrition and regular medical visits;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim

July 2000 as MINORITY HEALTH MONTH in Illinois.

Issued by the Governor June 8, 2000.

Filed by the Secretary of State June 20, 2000.

#### 2000-311

##### 2000-311 PILGRIM REST MISSIONARY BAPTIST CHURCH DAY

WHEREAS, on June 11, 1947, an organization of baptized believers gathered to hold its first meeting in Centerville, Illinois, at the Rock Hill Baptist Church; and

WHEREAS, the gathering was organized by Reverends Walter Suggs, H. G. Bagley, William Robinson, William Bennett, G. A. Williams, Sherman Glover, B. Haney, J. F. Suggs, and Reverend Russell; and

WHEREAS, by unanimous consent of those assembled, the newly formed church became known as the Pilgrim Rest Missionary Baptist Church; and

WHEREAS, Reverend J. P. Henry served as the first Pastor of the Pilgrim Rest Missionary Baptist Church; and

WHEREAS, in late fall of 1947 the congregation of the Pilgrim Rest Missionary Baptist Church began worshipping in its first permanent sanctuary located at 431 Trendley Avenue; and

WHEREAS, in February of 1970 the site for the current Pilgrim Rest Missionary Baptist Church was purchased; and

WHEREAS, in June of 1985 the cornerstone for the current Pilgrim Rest Missionary Baptist Church was dedicated and laid during an all congregational ceremony; and

WHEREAS, today, the Pilgrim Rest Missionary Baptist Church sits at the corner of 5000 Bond Avenue and is under the spiritual direction of Rev. Dr. Rodney J. Howlett who serves as a beacon of light for the church's parishioners and community at large; and

WHEREAS, in the 53 years of the Pilgrim Rest Missionary Baptist Church, the parishioners have dedicated themselves to serving their community through special ministries that feed the hungry and support those with special needs;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim

June 11, 2000, as PILGRIM REST MISSIONARY BAPTIST CHURCH DAY in Illinois.

Issued by the Governor June 8, 2000.

Filed by the Secretary of State June 20, 2000.

#### 2000-312

##### 2000-312 AMERICAN PROFESSIONAL SOCIETY OF THE ABUSE OF CHILDREN DAYS

WHEREAS, the American Professional Society on the Abuse of Children (APSAC) was founded in 1987 as a national interdisciplinary not-for-profit membership organization whose mission is to ensure that everyone affected by child maltreatment receives the best possible professional response; and

WHEREAS, the colloquium is a premier educational and training opportunity that provides high quality interdisciplinary sessions addressing critical issues in the complex field of child abuse and neglect; and

WHEREAS, the APSAC has 3,700 members who represent various disciplines within the field of child maltreatment including medical care, nursing, law enforcement, child protective services, mental health, education, and other professions; and

WHEREAS, the APSAC Eighth Annual Colloquium will be held July 12-15, 2000, at the Chicago Hilton and Towers; Governor of the State of Illinois, proclaim July 12-15, 2000, as AMERICAN PROFESSIONAL SOCIETY OF THE ABUSE OF CHILDREN DAYS in Illinois.

Issued by the Governor June 9, 2000.

Filed by the Secretary of State June 20, 2000.

## 2000-313

## CHILDREN'S FILM WEEK

WHEREAS, the 17th annual Chicago International Children's Film Festival (CICFF) will run from October 12-22, 2000; and

WHEREAS, during the past 17 years, the Festival has become the foremost festival of children's films in the United States; and

WHEREAS, Facets Multimedia has received support for the Chicago International Children's Film Festival and other children's programs from American Airlines, Cellular One, Chicago Parent Magazine, Children's Care Foundation, City of Chicago-Department of Cultural Affairs, The Days Inn-Lincoln Park, Gaylord and Dorothy Donnelley Foundation, Lloyd A. Fry Foundation, GATX Corporation, The Harris Donnelley Foundation, Illinois Arts Council, The Mayer and Morris Kaplan Family Foundation, The John D. and Catherine T. MacArthur Foundation, Tel-Pro Mecklenburger Foundation, Midwest Graphic Consultants, Inc., Kenneth F. and Harle G. Montgomery Foundation, Sara Lee Foundation, Seabury Foundation, 3M, William Wood Skinner Foundation, Whole Foods Market, WLS-TV, WLS-AM Radio, and WPNR-TV Channel 50 Foundation; and

WHEREAS, receiving over 350 entries from more than 30 countries, the Chicago International Children's Film Festival invites over 100 celebrities and filmmakers from around the globe to the festivals each year. Many of these honored guests, as part of the Festival, will lead workshops for the children which range from question and answer sessions, to hands-on workshops where the children learn about an aspect of filmmaking or animation;

WHEREAS, I, George H. Ryan, Governor of the State of Illinois, proclaim October 12-22, 2000, as CHILDREN'S FILM WEEK in Illinois.

Issued by the Governor June 9, 2000.

Filed by the Secretary of State June 20, 2000.

## 2000-314

## MOTHER NANCY A. LEWIS DAY

WHEREAS, Mother Nancy A. Lewis has dedicated her life to the church and

community; and

WHEREAS, Mrs. Lewis has been instrumental in helping the youth overcome gang and peer pressure; and

WHEREAS, Mrs. Lewis has held community and church workshops on gangs, drugs, teen pregnancies and the prevention of criminal activity in the neighborhoods; and

WHEREAS, Mrs. Lewis has conducted workshops and opened dialogue between the youth and their parents; and

WHEREAS, Mrs. Lewis is leading the women within the Sixth Jurisdiction by precept and example; and

WHEREAS, Mrs. Lewis is married and the mother of three children; and

WHEREAS, Mrs. Lewis has also implemented many community out-reach programs, through the church and the Nancy A. Lewis Foundation for women, children and the elderly; and

WHEREAS, these programs are for women, children and the elderly; and

WHEREAS, Mrs. Lewis has and is training young women in community out-reach and life development skills to be both an asset to the community and to the church; and

WHEREAS, Mrs. Lewis has for many years conducted a food program to feed the elderly women out of her on pocket;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 18, 2000, as MOTHER NANCY A. LEWIS DAY in Illinois.

Issued by the Governor June 9, 2000.

Filed by the Secretary of State June 20, 2000.

## 2000-315

## NATIONAL COUNCIL OF NEGRO WOMEN DAY

WHEREAS, the NCNW South Suburban Section and its Host State Chair, Rev. Mrs. Cheryl E. Anderson, and her Community Assistant, Mrs. Deborah D. Harper, will welcome the women from across this great State of Illinois; and

WHEREAS, the National Council of Negro Women was founded in 1935 by the legendary educator and civil rights leader Mary McLeod Bethune; and

WHEREAS, the National Council of Negro Women is considered the voice of over four million women of color throughout Illinois and the United States of America; and

WHEREAS, the National Council of Negro Women will hold its ninth annual Tribute to Black Community Leaders; and

WHEREAS, the tribute will host 500 attendees at the Matteson Holiday Inn; and

WHEREAS, the Tribute to Black Women Community Leaders will be celebrated in eight states across the nation;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 8, 2000, as NATIONAL COUNCIL OF NEGRO WOMEN DAY in Illinois.

Issued by the Governor June 9, 2000.

Filed by the Secretary of State June 20, 2000.

## 2000-316

## RESTORATIVE JUSTICE DAYS

WHEREAS, the Restorative Justice Ministry Network of North America's mission is networking with individuals and organizations to collaborate in creating and

implementing Biblical solutions to the Criminal Justice mission field; and

WHEREAS, Restorative Justice Ministries, established in 1995, is a ministry of volunteers committed to the development and implementation of local criminal justice ministries. The network was founded to recruit, train and equip volunteers from all denominations for ministry in and outside of prison; and

WHEREAS, Restorative Justice for Illinois was created in November 1997 to promote and implement Restorative Justice in Illinois; and

WHEREAS, during the first week in September, Restorative Justice Ministries across the United States are working to create a greater understanding of Restorative Justice;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 7-8, 2000, as RESTORATIVE JUSTICE DAYS in Illinois.

Issued by the Governor June 9, 2000.

Filed by the Secretary of State June 20, 2000.

## 2000-317

## DELTA SIGMA THETA 43RD ANNUAL EBONY FASHION SHOW DAY

WHEREAS, the Joliet Area South Suburban Chapter of Delta Sigma Theta Sorority, Inc., is welcoming the 43rd Annual Premier Showing of the Ebony Fashion Fair; and

WHEREAS, Delta Sigma Theta Sorority, Inc., was founded in 1913 with emphases in education and scholarship, physical and mental health, economic development, and political and international awareness; and

WHEREAS, Delta Sigma Theta Sorority, Inc., is comprised of 200,000 women around the world, of which 4,500 are active in the State of Illinois; and

WHEREAS, these 4,500 college-educated Sorors hold key leadership positions and are dedicated to public service throughout the state; and

WHEREAS, Joliet Area South Suburban Chapter remains committed to today's youth and the 43rd Annual Ebony Fashion Show will provide scholarships and continuous involvement in the community;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 6, 2000, as DELTA SIGMA THETA 43rd ANNUAL EBONY FASHION SHOW DAY in Illinois.

Issued by the Governor June 13, 2000.

Filed by the Secretary of State June 20, 2000.

## 2000-318

## KOREAN WAR VETERANS DAY

WHEREAS, the Illinois Korean War Veterans Association will honor all the men and women who served during the Korean War from June 25, 1950, through July 27, 1953; and

WHEREAS, from Illinois, 227,000 young men and women went off to war; 1,744 were killed in action, 490 are classified missing in action, and 428 are classified as prisoners of war; and

WHEREAS, June 25, 2000, will be the 50th Anniversary of the beginning of this terrible war; and

WHEREAS, all Korean War Veterans deserve to be remembered for their sacrifices and their patriotic service to their country;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 25, 2000, as KOREAN WAR VETERANS DAY in Illinois.

Issued by the Governor June 13, 2000.

Filed by the Secretary of State June 20, 2000.

## 2000-319

## THE SPIRIT OF ADA TORCH RELAY DAY

WHEREAS, on June 11, 2000, The Spirit of ADA Torch Relay will kickoff in Houston, Texas, and will culminate in New York City on August 7, 2000. The relay will stop in Chicago, Illinois, on July 9, 2000; and

WHEREAS, the 24-city, cross-country relay is to mark the 10th anniversary of the Americans with Disabilities Act (ADA) and to commemorate the anniversary of the Individuals with Disabilities Education Act (IDEA); and the 25th anniversary of the Americans with Disabilities Act (ADA); and

WHEREAS, The Spirit of ADA Torch Relay is hosted by the American Association of People with Disabilities (AAPD), a national membership organization founded in 1995 to promote the political and economic empowerment of people with disabilities in the US; and

WHEREAS, The Spirit of ADA Torch Relay strives to connect, educate, and involve the 54 million Americans living with disabilities and their communities; and

WHEREAS, in each city along the route, local disability community members will share the carrying of the torch. Local dignitaries, supporters, and spectators will join in the festivities surrounding the relay event; and

WHEREAS, The Spirit of ADA Torch Relay has been made possible with the support of title sponsor Volkswagen of America, Inc. who contributed more than \$1 million to help the AAPD bring the relay to life and share this celebration with the country;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 9, 2000, as THE SPIRIT OF ADA TORCH RELAY DAY in Illinois.

Issued by the Governor June 13, 2000.

Filed by the Secretary of State June 20, 2000.

## 2000-320

## AMERICANS WITH DISABILITIES ACT DAY

WHEREAS, under the Americans with Disabilities Act (ADA), the state is committed to increasing the opportunities for Illinois citizens with disabilities so they can be fully included in employment, transportation, education, communication and community opportunities; and

WHEREAS, Illinois has promoted independence, equal opportunity and self-sufficiency for people with disabilities as full participants in our society through the passage of ADA; and

WHEREAS, Illinois continues to be a leader in promoting accessibility and independence by implementing civil rights legislation; and

WHEREAS, the year 2000 marks the 10th anniversary of ADA's civil rights guarantee for individuals with disabilities; and

WHEREAS, the year 2000 marks the 25th anniversary of the Individuals with Disabilities Education Act;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 26, 2000, as AMERICANS WITH DISABILITIES ACT DAY in Illinois.

Issued by the Governor June 14, 2000.

Filed by the Secretary of State June 20, 2000.

## 2000-321

## ROBERT J. WALTERS DAY

WHEREAS, Robert J. Walters was born on July 1, 1930, in Alton, and graduated from Campton High School in Prairie du Chien, Wisconsin, and received a Bachelor of Arts degree from St. Ambrose College; and

WHEREAS, he and his wife, Jeanne (Osseck), have nine children, 17 grandchildren and more on the way; and

WHEREAS, Robert served in the United States Army from 1952 to 1954, including a 18-month tour in Korea; and

WHEREAS, since 1978, Mr. Walters has served as the Executive Director of the Southwestern Illinois Industrial Association. He previously was employed as a Government Affairs Consultant for R. J. Walters Public Relations from 1964 to 1978, as Executive Secretary for the Layman's Foundation for National Shrine Of Our Lady Of The Snows from 1961 to 1984, and as Sales/Public Relations Representative for J. H. Walters & Company Metal Fabrications from 1954 to 1961; and

WHEREAS, Robert worked as Regional Director for the campaigns of Illinois Governor Richard Ogilvie in 1968, United States Senator Ralph T. Smith in 1970, and Ronald Reagan for President in 1976 and served as a distinguished Member of the Illinois House of Representatives from 1971 to 1975; and

WHEREAS, in addition to being a Board Member of the William M. BeBell Achievement & Resources Center, Marian Heights Apartments and Alton Foundation, Robert Walters resides on the boards of many civic and economic development organizations; and

WHEREAS, Mr. Walters guided the athletic and personal development of numerous teenagers, and many high school students had the honor of calling him "Coach Walters" as the Men's Tennis Coach at Marquette Catholic High School and as an avid supporter of the Women's sports teams at Marquette Catholic High School; and

WHEREAS, today, June 29, 2000, a reception is being held to honor Robert J. Walters for his dedicated service to the industrial community in Southwestern Illinois and to celebrate his 70th birthday;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 29, 2000, as ROBERT J. WALTERS DAY in Illinois.

Issued by the Governor June 14, 2000.

Filed by the Secretary of State June 20, 2000.

## 2000-322

## DISASTER AREAS - LAKE, MCHENRY, ROCK ISLAND, STEPHENSON, WHITESIDE AND WINNEBAGO COUNTIES

A series of severe thunderstorms with torrential rains and damaging winds that began in early June across northern Illinois has caused serious flash flooding and riverine flooding resulting in damage to homes, businesses, farms, agricultural levees, roads and other property along the Des Plaines, Fox, Pecatonica and Rock rivers, the Nippersink Creek, and tributaries.

In the interest of responding to the threat imposed to public health and safety as a result of the storm systems, I hereby declare that a disaster exists within the State of Illinois, and specifically identify Lake, McHenry, Rock Island, Stephenson, Whiteside and Winnebago counties as a disaster area, pursuant to the provisions of Section 3305/7 of the Illinois Emergency

Management Agency Act, 20 ILCS 3305/7.

This gubernatorial declaration of disaster will aid the Illinois Emergency Management Agency in coordinating the State effort to assist local governments in disaster response and recovery operations. This declaration will provide for the assessment of damages which may render an opportunity to request supplemental federal assistance.

Issued by the Governor June 20, 2000.

Filed by the Secretary of State June 20, 2000.

Rules acted upon during the calendar quarter from issue 17 through issue 29 are listed in the Issues Index by Title. Rules that have been amended are indicated by an asterisk. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or [inquiries@code.state.us](mailto:inquiries@code.state.us) on the Internet.

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